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THE TRUE AARON BURR

A Biographical Sketch

BY

CHARLES BURR TODD

Author of "Story of the City of New York," "Story of Washington, the National Capital"

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FOREWORD TO THE READER.

IN later life Colonel Aaron Burr took into his law office several young men of brilliant parts whom he educated for the bar, and some of whom he adopted. To these young men who had his confidence he was fond of talking of the men and events of his career. Some of these men the writer was privileged to know, and to him as a collateral descendant of Colonel Burr and the historian of his family, they repeated his reminiscences and talked more freely of his plans and purposes as revealed by him than they would have done to a stranger, so that this little book, in so far as it relates to certain phases of Colonel Burr's career in controversy, may be said to have been inspired by that gentleman himself and to express his views in the historical controversy between himself and the American people—or rather between him and certain mendacious writers of history who, for the past fifty years, have left no depth of falsehood or slander unsounded in their effort to prove Aaron Burr a traitor and a murderer. The historic fact that after a trial lasting months, with the President of the United States personally directing it, and urging on his dogs of war, a prejudiced jury was compelled to declare the accused innocent of treason would have cleared most men—but it did not Aaron Burr; and why not? Because there were men, many men, interested in having him declared a traitor.

Colonel Burr trusted to the twentieth century to vindicate him, and certain signs of the times indicate that his trust was not in vain.

In Mr. John Codman's recent account of the Benedict Arnold Expedition against Quebec, no mention is made of Burr's gallant conduct on the march, in volunteering to carry dispatches to Montgomery when every other man in the command had refused, nor of his still more splendid achievement in bearing off the body of Montgomery from the field

before Quebec,—both as well substantiated as the storming of Bunker Hill,—but he goes out of his way to narrate the false and slanderous story of his intrigue with an Indian girl. The above facts must have been perfectly well known to Mr. Codman. Why then did he omit them? Manifestly out of deference to his own prejudices or those of his readers.

Again, in Mr. William Eleroy Curtis's "True Thomas Jefferson," the following statement is made:

"Within a few years an examination of the archives of the Foreign Offices of London, Madrid, and Paris has disclosed unpublished correspondence with their representatives in Washington during the Jefferson administration which throws a great deal of light upon the Burr conspiracy and leaves no doubt of his treason."

We challenge Mr. Curtis to give his authorities. He will not because he cannot. Everything favorable to Burr was religiously eliminated from the State Papers bearing on that subject now in Washington, but his enemies forgot the old Spanish archives at New Orleans and Mexico, and among them a young American investigator has found ample proof that Colonel Burr intended only the capture of Mexico and its ultimate annexation to the United States. Mr. McCaleb's book will shortly be published, and will no doubt prove a veritable thunderbolt in the ranks of the tories.

In conclusion, I will say that in writing this book I had not seen Mr. Charles Felton Pidgin's excellent historical novel "Blennerhasset," and it is very gratifying to find him taking substantially the same view of Colonel Burr's career as that expressed in these pages.

C. B. T.

NEW YORK,
December 1, 1901.

THE TRUE AARON BURR

COLONEL AARON BURR.

IN the army of General Washington which throughout the hot summer of 1776 was engaged in the mad attempt to fortify the city of New York against an overpowering British force were two young officers of brilliant genius, unbounded ambition, and winning personality, before whom the most successful careers seemed opening, but whom fate had decreed should oppose each other in life and in the end destroy one the other—Captain Aaron Burr and Captain Alexander Hamilton. Of the two Burr was far superior in birth, position, and prestige. His father was the Rev. Aaron Burr, D.D., the eminent divine whom Princetonians will always revere as the true founder of their University. His maternal grandfather was the Rev. Jonathan Edwards, the most illustrious divine America had ever produced. His Burr forbears had been the chiefest pillars of the colonial fabric of Connecticut. A collateral ancestor, Colonel Andrew Burr, had led the colony forces to the capture of Louisburg in 1745. Another, Peter Burr, was Chief Judge of the Superior Court of Connecticut, Major in her train bands, and one of the earliest graduates of Harvard College. A third, Samuel Burr, graduated at Harvard in 1697, and became head-master of the famous grammar school at Charlestown, Mass. A fourth, Jehu Burr, may be considered the author of the present excellent school system of Connecticut.

Burr's grandfather, the Rev. Jonathan Edwards, was the son of Rev. Thomas Edwards, who was the son of Richard Edwards, who in 1667 married Elisabeth, daughter of that William Tuthill who in 1635 removed from Old England to New England and became one of the founders of the city of New Haven, Conn. This William Tuthill was a great-great-grandson of Joan Grafton, daughter of Richard Grafton, who descended in direct line from Alfred the Great. Considering the blood in his [redacted]

one might assert with confidence that it was impossible for Aaron Burr to have been a traitor.

Hamilton, on the other hand, was a waif, an estray, an alien. His birthplace, St. Nevis, was an obscure island, a solitary rock far out in the Atlantic, of which not one American in ten thousand had ever heard. His reputed father, a Scotch merchant, early emigrated to the island and had conducted his affairs there so illy that the sheriff sold him out, and the lad, Alexander, became dependent on the charity of relatives, by whom he had been sent to America and educated at Kings, now Columbia, College in New York.

Captain Burr was born in the parsonage of the First Church, Newark, N. J. (of which his father was then pastor), on February 6, 1756. Before he was two years old he had lost father, mother, grandparents, and orphaned and desolate went to live with his uncle, Timothy Edwards, eldest son of President Edwards. Edwards was a strict martinet, steeped in the cold, rigid puritan theology of the day, who lived in the shadow of Sinai rather than in the sweetness and light, the love and compassion of the Mount of Beatitudes, and was wholly unfit for the rearing of a warm-hearted, impulsive, high-spirited lad like Aaron Burr. To his coldness, inappreciation, and unwise government may be attributed much that was faulty in the character and subsequent career of his distinguished nephew.

The boy had been left an ample patrimony and his uncle made free use of it in his education; he provided for him an excellent tutor, Tappan Reeve, who some years later became his brother-in-law, and later still was widely known as Chief Justice of the Supreme Court of Connecticut, and founder of the Litchfield Law School. So precocious was the lad, that at eleven he was ready for college, and applied to the faculty of Princeton for admission, but was refused solely, as he himself said, "on account of his years and inches." He contrived, however, to triumph over the faculty by entering the sophomore class two years later, in 1769, and graduated with distinction in September, 1772.

The year that followed was spent partly at Princeton, among his books, and partly at Elizabethtown in pursuit of those manly sports

which young men of fortune sometimes affect. During this year, too, the subject of a profession was much in his thoughts. His friends and the Presbyterian world generally expected him to choose the profession which his father and grandfather had so adorned. Conscience, and the silent influence of the dead impelled him in the same direction. On the other hand, he had no doubt imbibed much of the speculative French philosophy then rife, and which, while it questioned the truth of revelation, pointed to the attainment of fame, and the indulgence of passion as the chief means of obtaining happiness. In this state of indecision, he became, in the fall of 1774, an inmate of Dr. Bellamy's famous school at Bethlehem, Connecticut. This gentleman was the successor in theology of President Edwards, and his reputation for learning and piety attracted to his home so many candidates for the ministry, that it assumed quite the character of a theological seminary.

Here Burr fought the great battle of Armageddon.

We cannot give the details of the conflict, nor say how largely the result was due to the absurd and repelling system of theology then in vogue, but we know that the result of his studies was a conviction, to use his own words, "that the road to heaven was open to all alike." He became an agnostic. He did not know. Thereafter on all religious questions he simply suspended judgment.

In the fall of 1774, we find him a law student with Tappan Reeve, now the proud husband of pretty Sallie Burr, and principal of a law school at Litchfield, Conn., which had already become famous. For a few months only Burr pored over his musty law-books, then the guns of Lexington summoned him to arms with thousands of other gallant spirits, and buckling on his sword he set off without delay to join the army at Boston.

It was in July, 1775, that Burr and his friend Ogden—afterward Colonel—joined the Continental army, and it was in August of the same year that after five weeks of inaction, he rose from a sick bed to volunteer in Colonel Benedict Arnold's expedition then preparing for its famous march through the wilderness of Maine to strike Quebec and Canada. He armed and equipped a company at his own expense, and taking

command, with the rank of Captain, marched them to Newburyport where the little army was to rendezvous.

On Tuesday, the 19th of September, at ten in the morning, the expedition, 1,100 strong, embarked and stood away for the mouth of the Kennebec, which they reached on the 23d. From that point they were to follow the Kennebec to Dead River, up that stream to its source near Bald Mountain, then over a portage of a few miles to Lake Megantic, the source of the Chaudiere, which would lead to the St. Lawrence and Quebec. This journey was to be performed through an unbroken wilderness 600 miles in extent. On the 4th of October the army took leave of houses and settlements, and plunged into this wilderness; twenty-seven days after, on the 31st of October, they reached the settlements on the Chaudiere River. These were days of the severest privation; thirty times or more the boats were unloaded and borne across portages, miles in length, or hauled by main strength around rapids and falls. Once a sudden flood destroyed half the boats and provisions, and starvation threatened the troops. For days they lived upon dogs and reptiles, they even ate the leather of their shoes and cartridge-boxes, and everything that could afford nourishment. Many sickened, others deserted, and when at last they approached the settlements it was found that sickness, death, and desertion had reduced their numbers to barely 600 effective men.

Through it all our young soldier displayed the courage and endurance of a veteran. He animated the men with his sprightliness and wit, or he led hunting parties in quest of game; or in the van of his division steered the foremost boat in its descent of the turbulent river. In all positions he proved himself a worthy member of the gallant six hundred who marched with Arnold through the wilderness, and came out strong in life and limb before Quebec. As the force approached the latter place, a messenger was needed to communicate with Montgomery, then at Montreal, one hundred and twenty miles distant. No one volunteered for this perilous enterprise, until at last "little Burr" stepped out. Arnold, running his eye over the stripling, demurred to sending such a youth, but Burr persisted, and at length the commission was given him.

Fertile of expedient, he had already devised a plan for executing his mission. Knowing that the religious chiefs of the country were opposed to British rule, he donned the garb of a young priest, and sought an interview with the chief of a religious house near by, and to him, after a few preliminaries, frankly unfolded his plan; this, the worthy prelate, after his astonishment had passed, heartily seconded, and Burr was passed quickly and safely from one religious house to another, in the disguise of a priest, until he reached Montgomery, who was so delighted with his address and gallantry that he made him his *aide-de-camp* on the spot, with the rank of captain.

Twenty-four hours after, Montgomery, with his three hundred available men, was on the march to join Arnold at Quebec. They arrived there December 1, 1775. The succeeding thirty days, history has made immortal. There was, first, the council of war which decided on the assault, and which gave to Burr the command of a forlorn hope of forty men, whom he was to select and drill in the use of scaling ladders, ropes, grapnels, and all the paraphernalia of the assault. After the council came the long waiting for the midnight storm, which burst upon them at last on the 31st of December. At five in the morning the order to assault was given, the air then being so thick with snow that everything was hidden: nine hundred men answered to the roll call. These were divided into four parties, two for the attack and two to distract the enemy's attention by feints at various points.

Arnold led one of the attacking parties and Montgomery the other. Side by side with his general that morning marched Captain Burr; beside them were two other aids, a sergeant, and the French guide, these six constituting the group in advance. The column swept swiftly and silently along the St. Lawrence toward the defences under Cape Diamond, and in a few moments struck the first of these—a line of pickets firmly fastened in the ground. These were wrenched away in an instant, and the column rushed on to a second line. Here it was discovered by the British guard, who fired an ineffectual volley and fled in dismay to a blockhouse, a few yards in the rear. This latter was quite a fortress, built of ponderous logs, loop-holed above for musketry, and pierced below for

two twelve-pounders, which, charged with grape and canister, commanded the gorge up which the party was now advancing. The garrison, wild with fear, fled precipitately without firing a shot. Thus the gate to the city was thrown wide open, but the besiegers failed to appear in the breach; they were some yards below, struggling with the huge blocks of ice which a winter flood in the St. Lawrence had left in their path.

At this critical juncture one of the fugitives ventured back to the blockhouse; peeping through one of the port-holes, he saw the attacking column a few yards off, and turned to fly again, but as he did so, *touched a match to one of those loaded cannon.* That simple act saved Quebec. Montgomery, the two aids, the sergeant, every man that marched in front of the column, except Burr and the guide, were stricken down by the discharge, and in a moment the fortunes of the day were changed, and the victory which seemed in the grasp of the provincials was turned into defeat. "At this critical moment Burr was as cool, as determined, as eager to go forward as at the most exultant moment of the advance."

"When dismay and consternation universally prevailed," testified Captain Platt, an eye-witness of the scene, "Burr animated the troops and made many efforts to lead them on, and stimulated them to enter the lower town." But the enemy reappeared in force at the blockhouse, and the commanding officer ordered a retreat, by this act giving Captain Burr an opportunity to perform an action that redeems humanity and proved him the impulsive, generous being that his friends knew him to have been. As the deed itself has been called in question, I give an account of it in the words of the Rev. Samuel Spring, chaplain in Arnold's expedition, and who was present at the assault. After describing the attack, he says: "It was a heavy snow-storm, Montgomery had fallen, the British troops were advancing towards the dead body, and *little Burr was hastening from the fire of the enemy, up to his knees in snow, with Montgomery's body on his shoulders.* Some forty yards he staggered on under his burden, and was then obliged to drop it to avoid capture by the enemy."

But when night fell Burr stole back and bore away the body of his hero. "That night," continues Spring, "(it was moonlight and the snow lay thick upon the ground), the Captain stole from camp, and passing

our pickets, he approached the battlefield and commenced crawling and running among the dead, whenever the moon was partially obscured by clouds, all the time keeping up a strict search, till he found the body of Montgomery, which he placed upon his back, and the beardless boy staggering under his heavy load succeeded at last in bringing the body of his General to our camp. He appeared to me like some guardian angel of the dead and I can never forget him."

Captain Burr remained with Arnold's command until May and then resigned and set out for New York via Albany. He arrived safely, and, the fame of his exploits having preceded him, he was offered by Washington a place on his staff, where he was serving on being introduced to the reader.

Captain Burr had already won his spurs. As for Hamilton's they were as yet in the future.

But Burr did not long remain on Washington's staff. He was essentially a man of action, and the purely clerical duties that now fell to his lot wearied him. This, however, was not all. Washington, long worshipped as a demigod, we now know to have been a man of like passions with ourselves, who required from his subordinates an adulation, a sycophancy that Burr's proud spirit would not submit to. He resigned. Hamilton, who could bear a great deal when his advancement was at stake, succeeded Burr and after enduring it for several months also resigned and for the same reason. The influence of his cousin, Thaddeus Burr of Fairfield, exerted through the latter's intimate friend, Governor Hancock, gained Burr the appointment of aid to General Putnam, who was then busily engaged in fortifying the city, and in the military family of that rough and ready old Indian fighter he was contented and happy.

But Washington never forgave nor forgot the defection. Here was the first cause of that invincible distrust of Burr which that great man bore through life, although it was secretly and artfully fomented by Hamilton.

It was here, while the army lay in New York, that Burr and Hamilton first met, and here began that unfriendliness which culminated twenty-eight years later in the action on the fatal shelf at Weehawken. Rivalry

for the favor of fair women in which Burr was always victorious first inspired in Hamilton's breast that settled hatred which was later intensified by rivalry at the bar and in public life. This fact, that it was personal bias and not solicitude for the public weal that led Hamilton constantly to slander, oppose, and thwart Burr in their subsequent career, cannot be too strongly insisted upon. It furnishes the key to the whole situation: it puts an entirely different construction on the acts of both.

In August occurred the disastrous battle of Long Island, with the result that might have been foreseen, and the famous retreat of Washington's army to Manhattan Island.

In this retreat Captain Burr was again the hero of an action which won him almost universal applause. He had been scouting in the lower part of the island, and was flying in full gallop before the enemy, when he came upon an American brigade, sheltered in a mud fort, which stood on or about the present line of Grand Street. "What are you doing here?" Burr demanded. General Knox, the commander, explained that he had been left behind by mistake, and, deeming himself surrounded, he had determined to hold the fort. Burr ridiculed the idea, and, addressing the men, told them if they remained there they would surely be in the British prison ships before morning. He then led them by blind and circuitous paths to the Hudson, and safely rejoined the main army, with the loss of but a few stragglers. These men ever after regarded him as their deliverer from the British prison ships, and the whole army rang with his praises, yet his name was not even mentioned in the dispatches of the commander-in-chief. In 1777, Captain Burr was promoted to the rank of Lieutenant-Colonel. His superior officer, Colonel Malcolm, was a New York merchant of no military ability, and the actual command of the regiment devolved upon Burr. This responsibility he cheerfully assumed, and in a few months brought his men—all raw levies—into the most perfect state of discipline.

Through the fall of this year his regiment was detailed for scouting duty in New Jersey, then the debatable ground between the two armies. Here he first met Mrs. Prevost, then residing at Paramus, who afterward became his wife.

In November he joined the main army for the winter cantonment at Valley Forge, and through the winter was in command of a very important post called "the Gulf," some ten miles distant from the main body, and which would be the point first attacked should the enemy make a descent on the camp. He owed this appointment, it is said, to General McDougall, who had been his superior officer at the battle of Long Island. He next saw active service at the famous battle of Monmouth, June 28 and 30, 1778. Here he commanded a brigade in Lord Sterling's division, and fully sustained that reputation for address and gallantry which he had before earned. After the battle, almost worn out with fatigue and exposure, he was sent to New York with orders to watch the enemy's movements in that quarter and report, which task he performed with the utmost spirit and success. Returned from this duty, he was ordered to march at once with his regiment to West Point; the regiment, however, went forward without him, he being detailed, on the eve of departure, for the delicate service of conducting several influential Tories within the British lines. A few weeks later he reported at West Point, but finding himself completely broken in health, he wrote to Washington asking leave of absence without pay, until the next campaign, and urging as a reason his utter unfitness for military duty. Washington granted him leave of absence, but continued his pay. This, however, Burr utterly refused to accept, and the matter was compromised by his being placed in command of West Point, where he remained until his health was in a measure regained. He was now twenty-three years of age.

About the 1st of January, 1779, Colonel Burr received his last and most important command, being placed in charge of the Westchester "lines," extending from the Hudson to the Sound, a distance of fourteen miles, traversing a section the most lawless and turbulent in the country, and which former commanders had utterly failed to control; here Whigs plundered Tories, and Tories harried Whigs with the utmost impartiality, and both parties combined to plunder the peaceful Quakers, who formed by far the largest portion of the population. To check these marauders, Burr proclaimed martial law, and proceeded to punish all offenders with the utmost rigor. His energy was untiring, and his vigilance argus-eyed.

To protect his posts, he prescribed for himself and his subordinates a course of the extremest vigilance, and visited with the severest penalties any departure from it. Next he prepared a list of the inhabitants of his district, and divided them into their several classes, such as Whigs, Tories, half-Whigs, spies, and others; and further prepared an accurate map of the country, showing the roads, creeks, swamps, woods, and other avenues of escape for parties flying from pursuit. To these safeguards he added a perfect system of scouts and espionage, and so managed all that order and quiet was restored to the whole region covered by his force.

If, during this winter he showed himself gallant in war, he also proved himself no laggard in love, for twice during the period he contrived to visit Mrs. Prevost, at Paramus, thirty miles distant, on both occasions at night, and with such secrecy that his absence from camp was not suspected. But the labors of this command proved to be too exhaustive a drain on a once splendid, but now enfeebled constitution; and on the 10th of March, 1779, he was forced to send in his commission to General Washington, stating the circumstances of his case, and asking a discharge. In reply, Washington wrote a letter accepting his resignation, and regretting "not only the loss of a good officer, but the causes which made it necessary." Thus, after four years of active military life, Colonel Burr became again a private citizen. Eighteen months were spent in recruiting his shattered health. Then he resumed the legal studies which four years before he had laid down at the call of his country. His first tutor was Judge Patterson, of New Jersey; but not satisfied with his progress under him he removed, in the spring of 1781, to Haverstraw, N. Y., and took up his abode with Mr. Thomas Smith, a lawyer of note, formerly of New York, but now thrown out of business by the British occupation of that city. Here Burr pursued his studies with the utmost dispatch, living abstemiously, and poring over his books twenty hours out of the twenty-four. There were several reasons for this intense application. His splendid patrimony was all gone, spent largely with that inconsiderate generosity which was his bane, to feed, clothe, and arm the destitute soldiers of his command; and his purse needed replenishing. Again, the success of the American cause, then well assured, would give to the Whig

lawyers all the business and emoluments of the profession. Lastly, he contemplated marriage, and only a lucrative practice stood in the way of home comforts and domestic happiness. After reading law twelve months this man of wonderful gifts thought himself competent to practice, and applied for admission to the bar; but to his dismay he was confronted with a rule of the court which required candidates to spend at least three years in the study of the law. He could boast of but one; nor could he find a lawyer disinterested enough to move a suspension of the rule. He therefore appeared in court and himself offered and argued the motion, reminding the court that but for his services in the field he would long before have completed his studies, and that in his case at least there were weighty reasons for the suspension of the rule. The judge, after hearing his plea, decided that the rule might in his case be dispensed with, provided he could show that he possessed the requisite qualifications; and a most rigorous examination having proved his fitness, he was licensed an attorney on the 19th of January, 1782.

The young lawyer at once opened an office in Albany, and began the practice of the law, and was so successful that in three months he thought it prudent to marry. The wedding accordingly took place July 2, 1782, in the Dutch Reformed Church, at Paramus, the Rev. David Bogart, pastor of the church, performing the ceremony. This marriage certainly gives no color to the popular belief that Colonel Burr was a cold, selfish, unprincipled schemer, with an eye always open to the main chance. He was young, handsome, well born, a rising man in his profession, and might no doubt have formed an alliance with any one of the wealthy and powerful families that lent lustre to the annals of their State. This would have been the course of a politician. But Burr, disdaining these advantages married the widow of a British officer, the most unpopular thing in the then state of public feeling that a man could do,* a lady without wealth,

* She was however American born. By none of Burr's biographers nor in any of the numerous magazine accounts is the maiden name and parentage of this estimable lady given. She was Theodosia Bartow, only child of Theodosius Bartow, a lawyer of Shrewsbury, N. J., and of Ann (Stillwell) Bartow his wife. She was married to Colonel Mark Prevost July 28, 1763, in Trinity Church, New York, according to the marriage register

position, or beauty, and at least ten years his senior, simply because he loved her; and he loved her, it is well to note, because she had the truest heart, the ripest intellect, and the most winning and graceful manners of any woman he had ever met. It was a favorite remark of his, in later years, that if he was more easy and graceful in manner than other men, it was from the unconscious influence of her spirit and graces upon him.

I think it should be mentioned here—because the opposite has been stated—that the marriage was conducive of great happiness to both, and that Colonel Burr was to the end the most faithful and devoted of husbands. The young couple at once began housekeeping in a pleasant mansion in the city of Albany, and there they continued to reside (receiving in the first year of their marriage a lovely daughter, Theodosia, to their home), until, in the fall of 1784 Burr's increasing law business in New York necessitated his removal to that city. In New York he took a front rank among the leaders of the bar, and his reputation overwhelmed him with business; by many he was regarded as superior even to Hamilton.

He was the most successful lawyer that ever plead, and it is said never lost a case in which he was alone engaged. Yet the general verdict is that he was not a great lawyer. Perhaps not. He certainly never affected greatness. A soldier by nature and profession, he regarded the end from the beginning and carried his soldierly tactics into the courts; he always used the *means* best calculated to gain his ends. If learning and eloquence were necessary, he could be both learned and eloquent. If appeal, argument, sarcasm, invective promised to be more effective, he used them, or he would win by showing the weak points of his adversary's case rather than the strong points of his own. He was careful to go into action thoroughly furnished; his weapons were always at command, and his armor without flaw; like most lawyers, he at times skirmished pretty close to the citadel of truth, but it cannot be proved that he ever resorted to dishonorable means to gain an end, while it must be said in his praise, that he was keenly alive to the interests of his clients, and was never known to betray a professional trust. His legal practice covered a period

of that church. Colonel Prevost was brother of the General Prevost of Savannah, Ga., fame, and died in the West Indies in 1779.

of nearly sixty years—one of the longest on record, and many of his cases and opinions, notably the Medcef Eden case, and the opinion on the contested election in New York, in 1792, attracted national attention. One thing which I have observed in regard to Colonel Burr is, that as a lawyer he is held by the New York bar in the greatest respect, and his influence for good, both in shaping laws and promoting justice, is freely admitted.

His first appearance in politics was in 1784, when he was elected to a seat in the New York Assembly. He filled the same position in 1785. In 1789, Governor Clinton appointed him Attorney-General of New York. In March, 1790, the Legislature named him one of the three commissioners, appointed to decide and classify the claims of individuals who had rendered services, or sustained losses in the Revolutionary War. The next year he was placed on a commission with the Governor, Secretary, Treasurer, and Auditor, to sell the waste and unclaimed lands of the State, the proceeds to be applied to liquidating its war debt and claims. The ability with which he performed the duties of these positions, was the main cause of his subsequent marvellous political advancement. In January, 1791, seven years after his entrance upon public life, he was elected to represent the State of New York in the National Senate, and on the 24th of October—the first day of the session—he took his seat as a member of that body. The day after, he received a very flattering recognition, being appointed chairman of the committee to draft the Senate's reply to the President's annual address.

Of Colonel Burr's course in the Senate, we have only the most meagre details. That body, patterned after the English House of Lords, then sat with closed doors, and little more than the record of votes was given to the public. We know, however, that he served the full term of six years, that he acted generally with the liberal party, that he was the acknowledged leader and champion of that side of the House, that he advocated, among other important measures, an open session of the Senate, lower rates of postage, substantial aid to the French people in their struggle for liberty, and the gradual abolition of slavery. He also gained a great reputation as an orator, although no utterance of his now exists.

A great speech delivered by Colonel Burr against the ratification of Jay's treaty with Great Britain, in 1795, is mentioned by the newspapers of that day, but no report of it is given.

In 1791, Governor Clinton nominated him to the bench of the Supreme Court of his State, but he declined the honor, preferring his seat in the Senate. As the election, in April, 1792, of a Governor for the State of New York drew near, Colonel Burr was frequently mentioned as a candidate but Hamilton's adverse influence prevented his nomination. In November, 1792, the young nation was to elect for the second time a President and Vice-President. Washington, it was well known, would fill the first office; as to the incumbent of the second, some uncertainty existed. John Adams was the candidate of the Federal party; in the liberal, the choice lay between George Clinton and Aaron Burr, but Burr's claims were in the end set aside, and Clinton was nominated.

In the succeeding presidential election, however, our hero came more prominently before the country, as a candidate for this high office. In that canvass, John Adams received 71 votes, Thomas Jefferson 68, Thomas Pinckney 59, and Aaron Burr 30. About this time, and while he was in the Senate, he sustained an irreparable loss in the death of his wife, from cancer, after a long and painful illness. How much Colonel Burr's subsequent misfortunes were due to the loss of this estimable lady, cannot be determined, but it is certain that, had she lived, his career would have had a very different ending. She died in the spring of 1794. On the 4th of March, 1797, Colonel Burr's term in the Senate expired, and he was succeeded by Gen. Philip Schuyler, the Federal party being then in the ascendant in New York.

Burr returned to his law business in the metropolis, without however losing his hold on national politics. On the contrary, he had formed the design of destroying at a blow Federal supremacy in the United States. For two years he worked in silence, then in April, 1800, the time came for him to show his hand. The fourth presidential election was but six months distant, and the rival parties were already in the field. They were two — the Federal, a party of old renown, strong in the prestige of victory, conservative, arrogant, English in everything but in name, and

clinging tenaciously to class privileges and class domination. Its great rival, the Republican party, was liberal and progressive in the extreme. It was the popular party, *par excellence*, and as much French as the other was English. It advocated an open Senate, a free press, free speech, free schools, and free religion. Its leading principle was that so pithily expressed by Mr. Seward, "the emancipation of the masses from the domination of classes."

Of this party Thomas Jefferson was the nominal leader, the historical figure-head, but its real *imperator* was Aaron Burr, the man who, in the conflict which we are now to consider, taught it how to win. In those days the Legislature of each State cast the vote of its State for President. It early became apparent that New York would decide the presidential contest. It was also apparent, that if the Republicans could secure the New York Legislature (to be chosen in April, 1800) the national issue was already decided, and to attain this object Burr had planned and toiled during the two previous years, and now redoubled his exertions.

It was a mistake of Hamilton's that made his great rival's triumph possible. That chieftain, strong in Federal supremacy, gathered his friends together a few weeks before the election, and made out a list of his candidates from the city for assemblymen. They were all his personal friends, and men of but little weight in the community. Burr, when the slate was brought to him, perceived at once his adversary's great mistake, and proceeded to profit by it. He immediately sat down and prepared *his* list of candidates. At its head he placed George Clinton, so long Governor of the State. Then came General Gates, Brockholst Livingston, and other names of national reputation. The next and more difficult step was to persuade these gentlemen to allow their names to be used, but by bringing his matchless powers of persuasion to bear, he succeeded in this also. Then a public meeting was held and the ticket ratified with immense enthusiasm.

Simultaneously Burr began organizing his cohorts for the campaign. The strictest discipline was ordered and enforced. "Every member was obliged to submit to the will of the majority," and "that majority was made to move at the beck of committees, which concentrated the power

in the hands of a few individuals." Ward and general meetings were held almost daily. Complete lists of all voters were made out with the political history and affiliations of each; pamphlets and political speeches were disseminated, and no means left untried that might lead to success. The polls opened April 20th, and closed May 2d, at sunset, and before the city had sunk to rest it was known that the Republican cause had won in the city by a majority of 490 votes. This decided the election throughout the State. Hamilton seems to have been nearly frantic over his defeat, or he never would have adopted the mean expedient which he did, to wrest from his opponents the fruits of their hard-won victory. He at once called a caucus of his party, and with its concurrence, wrote to Governor Jay, urging him to call an extra session of the old Legislature, which was still in existence, that it might take the power of choosing presidential electors from the Legislature and give it to the people, thus leaving the whole case to be decided again by ballot. This letter was sent, and the next day a complete *exposé* of the whole plan, with an account of the caucus, and the contents of the letter were published in the Republican journals, to the no small astonishment of the "caucus," which had concocted it. Governor Jay, however, refused to sanction any such proceedings, and the scheme proved futile.

A few days after the New York election, a Republican caucus at Philadelphia nominated Thomas Jefferson for President, and Aaron Burr for Vice-President of the United States. The election which followed in November resulted in the well-known tie,* Jefferson having 73 votes, Burr 73, Adams 65, Pinckney 64, and made a choice by the House of Representatives necessary. Then ensued a contest such as had never been known before in the comparatively peaceful history of parties.

The politicians were painfully active, and the country fairly ablaze with excitement. The main interest centred of course in the House of Representatives at Washington which was to decide, and in the rival chiefs, who remained at their posts, Jefferson at Washington, where he was Vice-President and President of the Senate, and Burr at Albany, quietly performing his duties as Assemblyman.

* At that time the candidate who received the greatest number of votes was declared *President.*

"Had Aaron Burr not aroused prejudice by marrying a British wife, he would have been elected President by a large majority," was the remark of a prominent State official, to the writer. Perhaps so; smaller things have ere this changed the popular vote, and the gentleman spoke with authority, his father having been the fellow *aide-de-camp* and intimate friend of Col. Burr. But whether this be true or not, it is certain that at any time between the declaration of the vote and the House's decision thereon, the merest whisper on his part, the lifting of a finger even, would have placed him in the seat of Washington and of Adams. The Federal party was almost a unit in his support. Alike from his antecedents and his political record, they argued that his ascendency would be less detrimental to Federalism and the public good than that of Jefferson. In a file of the *Connecticut Courant* for 1801, published at Hartford, and the organ of the Federal party in New England, I find a long article on this "crisis," which forcibly and even vehemently urges Burr's claims. "Col. Burr," remarks the writer, "is a man of the first talents, and the most virtuous intentions." "A man who resolves while others deliberate, and who executes while others resolve." In the same article the writer speaks of Jefferson in terms much less complimentary. But Connecticut always was partial to Burr; she had not forgotten the services of his fathers. Cabot of Massachusetts, Carroll of Carrollton, Secretary Wolcott of Connecticut, and many others openly expressed their preference.

He had a strong following too in his own party. Governor Clinton favored him. His friends in New York, Swartwout, Van Ness, and others repeatedly begged permission to work for his interests. But Burr, in the first moments of the contest, seems to have decided to act according to the dictates of honor and probity. He knew that Jefferson was the choice of the people, and on December 16th, the day after the tie was declared, he wrote to a friend, disclaiming all competition. "As to my friends," said he, "they would dishonor my views, and insult my feelings by a suspicion that I would submit to be instrumental in counteracting the wishes and expectations of the United States." That he maintained this position all through the contest is shown by the letters of his contemporaries.

many of them his personal and political enemies. Thus, February 12th Judge Cooper, of New York, father of the novelist, wrote from Washington (where the day before the House had convened), "We have postponed voting for the President until to-morrow. All stand firm, Jefferson 8, Burr 6, divided 2. *Had Burr done anything for himself he would long ere this have been President.*"

Also Bayard of Delaware, who gave the casting vote for Jefferson, wrote to Hamilton soon after the event, giving the reasons for his action, and after stating certain considerations which would have induced him to vote for Burr, he proceeds, "but I was enabled soon to perceive that he (Burr) was determined not to shackle himself with Federal principles," and further on in the same letter he says, "The means existed of electing Burr, but this required his coöperation: by deceiving one man (a great blockhead) and tempting two (not incorrupt) he might have secured the majority of the States." Other testimony might be advanced to disprove the charge often made, that during this contest Colonel Burr intrigued for the Presidency. The result disproves it, for had he intrigued at all he might easily have won; as it was, the House, after seven days of balloting and debate, by a majority of one State, declared Thomas Jefferson President. Aaron Burr receiving the next highest number of votes became of course Vice-President.

For the next four years we behold our hero at the summit of his power. As Vice-President, he was presiding officer of the Senate, and never before, it is said, were the duties of that position performed with such grace, dignity, and impartiality; indeed this impartiality, in a strictly partisan contest, in the Senate, laid him open to the censure of his party, and contributed not a little to his ultimate political downfall. This contest occurred during the session of 1801, over the repeal of a Judiciary bill, which had been rushed through at the close of the last Congress, and by which the Federal judges had been increased by twenty-three. These life judgeships Mr. Adams, in the last hours of his official life, had, with most indecent haste, filled, and by this action so exasperated the Republicans, that they determined to abolish them; hence this bill. At one stage of the debate upon it, the Senate was tied, and it became the duty

of the president to give the casting vote. His decision was against the Republicans, and elicited no little hostile criticism from the party organs. At a later period he gained the ill-will of the Federalists from the same cause. Equally conscientious and honorable was his course in the impeachment trial of the Federal Judge Chase, charged with grossly abusing the authority of the bench in certain political trials, and which occurred toward the close of the session of 1805. Commenting upon his course in this trial, Mr. Parton says, "The dignity, the grace, the fairness, the prompt, intelligent decision with which the Vice-President presided over the august court, extorted praise even from his enemies." "He conducted the trial with the dignity and impartiality of an angel, but with the rigor of a devil," said an eye-witness. We shall find further evidence as we proceed, as to the scrupulous impartiality with which he performed the duties of his office.

As Vice-President, Colonel Burr, his friends, and the country, expected that he would succeed Jefferson in the Presidency. In this manner Adams had succeeded Washington, and Jefferson, Adams. That he did not was due to the politicians, and not to his own acts, nor because the people had lost confidence in him. The election of 1800 had shown his commanding position in national politics, and served to combine against him three great factions of the Republican party,—the Virginian faction led by Thomas Jefferson, and the Clinton and Livingston families of New York. These united their forces to crush him as an interloper, and at the Republican Convention in 1804 he was quietly shelved; his name not even being mentioned in connection with public affairs. Burr attributed this defeat to the politicians, and resolved to appeal to the people. Accordingly in the New York election of that year, he was announced as an independent candidate for Governor. The Republican party nominated Judge Lewis; the Federal party made no nominations. Hamilton threw the weight of his great influence in favor of the Republican candidate; Jefferson did the same with the federal patronage, but despite these fearful odds, Burr polled a vote of 28,000 against his adversary's 35,000; but he was beaten. This was his last political battle; one more appearance and he quitted the political field forever.

This event was his taking formal leave of the Senate as Vice-President which occurred March 2, 1805. It has been described as being one of the most interesting and affecting ever witnessed. The Senate had not then opened its doors to the public, and our only account of the scene is that derived from a report in the *Washington Federalist*, "obtained from the relation of several Senators as well Federal as Republican." The report opens with a summary of the speech, which was, it says, "the most sublime, dignified, and impressive ever uttered." Its concluding sentiments only we have room to present:

"But I now challenge your attention to considerations more momentous than any which regard merely your personal honor and character—the preservation of law, of liberty, and the constitution. This House, I need not remind you, is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge—here, if anywhere, will resistance be made to the storms of political frenzy, and the silent arts of corruption; and if the constitution be destined ever to perish by the sacrilegious hands of the demagogue, or the usurper, which God avert, its expiring agonies will be witnessed on this floor. I must now bid you farewell. It is probably a final separation, a dissolution, perhaps forever, of those associations, which I hope have been mutually satisfactory. I would console myself, and you, however, with the reflection, that though we are separated, we shall be engaged in the common cause of disseminating principles of freedom and social order. I shall always regard the proceedings of this body with interest and solicitude. I shall feel for its honor and for the national honor so intimately connected with it, and now take my leave of you with expressions of personal respect, and with prayers and good wishes."

"At the conclusion of this speech," proceeds the report, "the whole Senate were in tears, and so unmanned that it was half an hour before they could recover themselves sufficiently to come to order and choose a Vice-President *pro tem.*"

"At the President's on Monday, two of the Senators were relating these circumstances to a circle which had collected round them. One said he wished that the tradition might be preserved, as one of the most

extraordinary events he had ever witnessed. Another Senator, being asked, on the day following that on which Mr. Burr took his leave, how long he was speaking, after a moment's pause, said he could form no idea: it might have been an hour and it might have been but a moment; when he came to his senses, he seemed to have awakened as from a kind of trance. As soon as the Senate could compose themselves sufficiently to appoint a president *pro tem.*, they came to the following resolution:

"'Resolved, unanimously, That the thanks of the Senate be presented to Aaron Burr, in testimony of the impartiality, dignity, and ability with which he has presided over their deliberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him as president of the Senate.'"

Thus passed this "well graced actor" from the political scene. He was a free man once more. What will he do next? What new project will his busy brain and hand carve out? were questions which every tongue in the country was now asking. But before passing to the later events of his career, we must pause to notice an event which had occurred a few months before, and which exerted a powerful influence on his subsequent fortunes. This event was the duel with Hamilton.

Public opinion, the judgment of *apparent* facts, is sometimes correct, often unjust, but none the less necessary. Whether or not the public opinion which held Burr so strictly accountable for the death of Hamilton was just or unjust, a careful consideration of the facts anterior to, as well as those connected with the duel, in the calm unbiased spirit that time has made possible, will do much to determine.

It would not be strange if we should find, that, in his case, the popular judgment was both harsh and unjust, that he was as averse to the duel as Hamilton himself, that he used every (except dishonorable) means to avoid it, and that he only fought when absolutely forced to it, by the course of his rival and the cruel dictum of society; and we may further agree and conclude, that he was the real victim of that tragedy, and not the brilliant genius who fell beneath his fire.

But for the facts. And first, as to the provocation. Without pausing

to notice the unsoldierly conduct of Hamilton toward Burr, while both were in the army, we will pass at once to the period when they came prominently into view as candidates for the highest honors of the State.

To understand this fully let us glance for a moment at the real Alexander Hamilton and his career. What manner of man was he? As with Washington, a little band of noisy *claqueurs*, blind worshippers, have exalted him into a demigod. Only in our day of critical analysis, impartial judgment, have men dared to question the truthfulness of their dictum. Who and what then was the true Hamilton? A man of brilliant parts, of many generous and lovable qualities, but possessed also of certain mean and ignoble traits. As a financier easily chief; the American people cannot too highly honor him for what he did in funding their state and national debts and creating their financial system: but as a statesman beneath notice. He was a monarchist, an aristocrat, a servile copyist of English institutions and laws who distrusted the people and sought to limit their power. If by any chance he originated anything, the new features he created were tenfold worse than the old forms they superseded. To him we are largely indebted for the Senate in our National Congress,—an utterly useless body,—and for the election of its members by State legislatures, easily purchasable, easily influenced, rather than directly by the people; to him also for our absurd and ridiculous system of dual government, the most burdensome, confusing, paradoxical on earth. A system that instead of one national legislature, one uniform, universal code of laws, one national court having jurisdiction the country over, gives us forty-five local law-making bodies, forty-five diverse, often conflicting, codes of laws, and forty-five courts to execute them, each State with its Capitol, court-houses, penal institutions, judges, lawyers, court officials, sheriffs, and other officers of justice, all supported by the toiling taxpayers.

Everywhere and at all times Hamilton distrusted the people, and the very first opportunity they got they retired him and his party permanently. Save in one or two unimportant instances he never was elected to public office by direct vote of the people and never could have been. Reference has been made to some of his baser traits. To particularize, he was

envious as Casca, he was a backbiter, a calumniator, an intriguer, a log roller,—indeed he was the author of this most pernicious practice,—a hypocrite and self seeker, to say nothing of sundry private vices which do not concern us.

By 1792 Hamilton's "Burrophobia" had so increased as to not only obscure his judgment but destroy common prudence, for he spoke and wrote of Colonel Burr in a manner that he must have known would elicit a peremptory challenge should it come to the latter's ears. In the presidential canvass of that year his almost insane jealousy led him to write thus of the man against whose fair fame hardly a breath of suspicion had been raised: "*I fear the other gentleman* (Burr) *is unprincipled both as a public and private man. . . . In fact I take it he is for or against anything*, as it suits his interest or ambition. *He is determined, as I conceive, to make his way to the head of the popular party and to climb per fas aut nefas to the highest honors of the State*, and as much higher as circumstances may permit. Embarrassed, as I understand, in his circumstances, with an extravagant family, bold, enterprising and intriguing, I am mistaken if it be not his object *to play the game of conspiracy, and I feel it to be a religious duty to oppose his career.*" September 26, he wrote again to another friend, Rufus King: "Mr. Burr's integrity as an individual is not unimpeached, and as a public man, he is *one of the worst sort. . . .* in a word, *if we have an embryo Cæsar in the United States, it is Burr.*" These words were not the confidential utterances of one friend to another, they were written *for effect*, for in a few days King writes back, that "Care has been taken to put our friends at the eastward on their guard."

In 1794, Colonel Burr was nominated by his party as Minister to France, but Washington refused to ratify the nomination. "It was," he said, "the rule of his public life, to nominate no one for public office of whose integrity he was not insured." But when had Burr's integrity been questioned, except by political rivals? or when had he ever betrayed a trust, public or private? The instance cannot be found, and Washington's distrust at this time, may readily be traced to the potent influence of Hamilton, then the confidential man of his administration.

Again, in 1798, when French insolence had provoked the young repub-

lic to warlike measures, and an army had been voted, and new general officers appointed, it was Hamilton again that blighted Burr's honest military ambitions. Sturdy John Adams gives the details in a letter written in 1815, and published in the tenth volume of his works. "I have never known," he writes, "the prejudice in favor of birth, parentage and descent, more conspicuous than in the instance of Col. Burr. That gentleman was connected by blood with many respectable families in New England. . . . He had served in the army, and came out of it with the character of a knight without fear, and an able officer. He had afterward studied and practiced law with application and success. Buoyed up on those religious partialities, and this military and juridical reputation, it is no wonder that Governor Clinton and Chancellor Livingston should take notice of him. They made him Attorney General, and the legislature sent him to Congress, where, I believe, he served six years. At the next election, he was, however, left out, and being at that time somewhat embarrassed in circumstances, and reluctant to return to the bar, he would have rejoiced in an appointment in the army.

"In this situation I proposed to Washington, and through him to the triumvirate* to nominate Col. Burr for a brigadier-general. Washington's answer to me was, 'By all that I have known and heard, Col. Burr is a brave and able officer; but the question is whether he has not equal talents at intrigue.' How shall I describe to you my sensations and reflections at that moment. He had compelled me to promote over the heads of Lincoln, Clinton, Gates, Knox, and others, and even over Pinckney, one of his own triumvirates [Hamilton] the most *restless*, *impatient*, *artful*, *indefatigable*, and *unprincipled intriguer* in the United States, if not in the world, to be second in command under himself, and now dreaded an intriguer in a poor brigadier. He did however propose it, at least to Hamilton. But I was not permitted to nominate Burr. If I had been, what would have been the consequences? Shall I say that Hamilton would have been now alive, and Hamilton and Burr now at the head of our affairs. What then? If I had nominated Burr without the consent of the triumvirate, a negative in the Senate was certain." This letter is

* Washington, Hamilton, and Pinckney.

interesting as giving Adams' estimate of the two men; it also shows Hamilton's marvellous facility for inoculating every one he met with his own disease of Burrophobia.

Again, in 1800, when there was a possibility of Burr becoming President, Hamilton renewed more openly and bitterly his attacks. December 17, 1800, he wrote a letter to Mr. Wolcott of Connecticut, in which he says: "Let it not be imagined that Mr. Burr can be won to Federal views; it is a vain hope . . . to accomplish his end, he must lean upon unprincipled men, and will continue to adhere to the myrmidons who have hitherto surrounded him. To these he will no doubt add able rogues of the Federal party, but he will employ the rogues of all parties to overrule the good men of all parties, and to prosecute projects which wise men of every description will disapprove. These things are to be inferred with moral certainty from the character of the man. Every step in his career proves that he has formed himself upon the model of Catiline, and that he is too cold-blooded and too determined a conspirator ever to change his plan. Alas, when will men consult their reason rather than their passion? Whatever they may imagine, the desire of mortifying the adverse party, must be the chief spring of the disposition to prefer Mr. Burr . . . *Adieu to the Federal Troy, if they once introduce this Grecian horse into their citadel.*"

The August before, he had written to Senator Bayard of Delaware: "There seems to be too much probability that Jefferson or Burr will be President. The latter is intriguing with all his might in New Jersey, Rhode Island, and Vermont. He counts positively on the universal support of the anti-Federalists, and that by some adventitious aid from other quarters he will overtop his friend Jefferson. Admitting the first point, the conclusion may be realized, and, if it is so, Burr will certainly attempt to reform the Government *à la Bonaparte.* He is as *unprincipled and dangerous a man as any country can boast—as true a Catiline as ever met in midnight conclave.*"

These letters read like the ravings of a monomaniac; they are but samples of many, sown broadcast over the country for the sole purpose, as we must conclude, of blighting the prospects and reputation of Aaron

Burr. With his tongue Hamilton was even more busy and venomous. What its effect was on the community—coming from so eminent a source —may be imagined. All this time the victim was ignorant and even unsuspicious of his rival's conduct; the two men were apparently on terms of friendship; they met in professional consultations, and dined at one another's tables. It was in 1802, I believe, that Colonel Burr first heard of Hamilton's manner of conducting political campaigns, and he at once sought a personal interview and demanded an explanation. This Hamilton gave, and admitted that in the heat of a political canvass he had spoken hastily of Colonel Burr, and in terms not usual with gentlemen, and promised to be more careful in future. But in the succeeding campaign of 1804 partisan rivalry was most intense, and Hamilton's unguarded expressions more violent and bitter than ever before; so much so that Cheetham, editor of the *American Citizen*, the organ of the Clintonian Republicans, paraded in the columns of his newspaper the query, Is the Vice-President sunk so low as to submit to be insulted by General Hamilton? while at the same time the thousand gossipy tongues of society were taking up and repeating the same question.

Reports of Hamilton's conduct were brought to Burr at the close of the campaign by certain renegade Federalists driven from the ranks by their chief's arrogance; but he seems to have taken no action in the matter, and awaited further developments. At length his attention was called to a letter—written by Dr. Charles D. Cooper, of New York, and published in the newspapers during the campaign—which contained, among others, the following sentences:

"Gen. Hamilton and Judge Kent have declared in substance, that they looked upon Mr. Burr to be a dangerous man, and one who ought not to be trusted with the reins of government," and "I could detail to you a still more despicable opinion, which Gen. Hamilton has expressed of Mr. Burr." Colonel Burr quietly marked the obnoxious passages, and sent them by the hand of his friend, William P. Van Ness, to General Hamilton, with a note which concluded as follows:

"You must perceive, sir, the necessity of a prompt and unqualified acknowledgment or denial of the use of any expressions which would war-

rant the assertions of Mr. Cooper." The correspondence which followed is too voluminous for insertion here. In it Burr maintained the position taken in his first letter. Hamilton denied in part, equivocated, hedged, but absolutely refused to make the unqualified acknowledgment and denial asked for by Colonel Burr. Such a course would have reinstated his rival in public confidence, and destroyed the work of years. Society too might have considered it an apology from *necessity* rather than *principle.* Burr, on his part, all the lion in him roused by Hamilton's repeated and treacherous attacks, receded not a whit from his original demand. In one of his letters on the subject he most admirably defined his position.

"Political opposition," said he, "can never absolve gentlemen from the necessity of a rigid adherence to the laws of honor, and the rules of decorum. I neither claim such privilege, nor indulge it in others. The common sense of mankind affixes to the epithet adopted by Dr. Cooper the idea of dishonor. It has been publicly applied to me, under the sanction of your name. The question is not whether he has understood the meaning of the word, or has used it according to syntax and with grammatical accuracy, but whether you have authorized this application, either directly, or by uttering expressions or opinions derogatory to my honor." And again in his last paper drawn up for the guidance of his second he enlarges upon this point.

"Aaron Burr, far from conceiving that rivalship authorizes a latitude not otherwise justifiable, always feels great delicacy in such cases, and would think it meanness to speak of a rival, but in terms of respect; to do justice to his merits, to be silent of his foibles. Such has invariably been his conduct towards Jay, Adams, and Hamilton, the only three who can be supposed to have stood in that relation to him.

"That he has too much reason to believe that in regard to Mr. Hamilton there has been no such reciprocity. For several years his name has been lent to the support of base slanders. He has never had the generosity, the magnanimity, or the candor to contradict or disavow. Burr forbears to particularize, as it could only tend to produce new irritations, but having made great sacrifices for the sake of harmony, having exercised

forbearance until it approached humiliation, he has seen no effect produced by such conduct, but a repetition of injury.

"He is obliged to conclude that there is on the part of Mr. Hamilton, a settled and implacable malevolence; that he will never cease in his conduct toward Mr. Burr, to violate those courtesies of life, and that hence he has no alternative but to announce these things to the world, which consistently with Mr. Burr's ideas of propriety, can be done in no way but that which he has adopted. He is incapable of revenge, still less is he capable of imitating the conduct of Mr. Hamilton by committing secret depredation on his fame and character. But these things must have an end."

These are hardly the words of a vindictive, blood-thirsty villain, and indeed they are not, for a more amiable, generous, and genial man than Colonel Burr never lived, but he could and would protect himself when wronged beyond endurance. The paper last quoted was Burr's ultimatum, and Hamilton declaring its terms inadmissible, both parties prepared to fight.

Never perhaps since the institution of the code was a meeting so inevitable as between these two. Both were soldiers, devotees of honor, and men of society. Both had recognized the code by their presence, either as principals or seconds, at several affairs of honor, and both were well aware that their position in politics and society depended on their not showing the white feather at this particular crisis.

July 11, 1804, at seven in the morning, was the day and hour fixed upon—twenty-four days after the first hostile message.

According to Hamilton's biographers Burr spent the intervening time in practising with pistols. This is a falsehood. Aaron Burr was an adept with the pistol from his youth. He spent it as he had the other days of the year, in business, in celebrating Theodosia's birthday at his beautiful mansion on Richmond Hill, in meeting choice spirits at the convivial board—among the latter Hamilton himself at the annual banquet on July Fourth of the Society of the Cincinnati, of which both men were members and Hamilton President. On this occasion the latter is said to have been cheerful, even [redacted] reserved, never once

looking at the President until by request the latter consented to sing the famous old ballad of *The Drum*, when he regarded him fixedly until the song was concluded.

Both principals spent the greater part of the night of the 10th in final preparations for the duel, and in writing to absent relatives what each felt might be his last words. Burr wrote a long letter to Theodosia, now in the distant State of South Carolina, the beloved wife of its Governor, Joseph Alston. He gave her explicit directions as to the disposal of his letters, papers, and servants. She was to burn all of the former which, if made public, could by any means injure any person. His faithful housekeeper, Peggy, was to have fifty dollars and a lot of ground, and the other servants he urged her to take into her own household. To herself he gave a seal of General Washington's, which he valued highly, probably from its having been a gift from the great man himself.

"I am indebted to you my dearest Theodosia," he concluded, "for a very great portion of the happiness which I have enjoyed in this life. You have completely satisfied all that my heart and affections had hoped or even wished. With a little more perseverance, determination, and industry, you will obtain all that my ambition or vanity had fondly imagined. Let your son have occasion to be proud that he had a mother. Adieu. Adieu."

He also wrote a long letter to her husband, Governor Alston, in which he said: "If it should be my lot to fall yet I shall live in you and your son. I commit to you all that is most dear to me—my reputation and my daughter. Your talent and your attachments will be the guardian of the one—your kindness and your generosity of the other. Let me entreat you to stimulate and aid Theodosia in the cultivation of her mind. It is indispensable to her happiness and essential to yours. It is also of the utmost importance to your son. She would presently acquire a critical knowledge of Latin, English and all branches of natural philosophy. All this would be poured into your son. If you should differ with me as to the importance of this measure suffer me to ask it of you as a last favor. She will richly compensate your trouble."

A few hours before morning this man of iron nerve, removing his

outer clothing, threw himself upon the sofa in his library and was soon fast asleep.

Hamilton too, spent many of his last hours in writing tender epistles to his wife and children, and among others, a paper to posterity and the public at large which may be regarded as the meanest act of his life: for its sole object was, if he fell, to damn his opponent and pour all the vials of the public's wrath upon his devoted head. He shrank from the coming contest, he wrote. Religion, his duty to his family and creditors forbade it. He bore no ill will to Colonel Burr apart from political opposition. "As well," he concluded, "because it is possible that I may have injured Colonel Burr, however convinced myself that my opinions and declarations have been well founded, as from my general principles and temper in relation to similar affairs I have resolved if our interview is conducted in the usual manner, and it pleases God to give me the opportunity, to reserve and throw away my first fire, and I have thoughts even of reserving my second fire, and thus giving a double opportunity to Colonel Burr to pause and to reflect. It is not however my intention to enter into any explanations on the ground. Apology from principle I hope rather than pride is out of the question. *To those who with me abhorring* the practice of dueling may think that I ought on no account to have added to the number of bad examples, I answer that my relative situation as well in public as in private enforcing all the considerations which constitute what men of the world denominate honor, imposed on me (as I thought) a peculiar necessity not to decline this call. The ability to be in the future useful whether in resisting mischief or effecting good in those crises of our public affairs which seem likely to happen would probably be inseparable from a conformity with public prejudice in this particular."

What magnanimity! what generosity! and yet if a moiety of it had but been exercised in the daily walks of life there would have been no occasion for this hostile meeting. But the most damaging thing about this paper is that the author of it had been from his youth up a staunch supporter of the duello as the most natural mode of settling disputes between gentlemen. He had defended it by serving as second to Colonel Laurens in his duel with General Lee. Three years before his

eldest son, the pride of his heart, had fallen in a duel caused by his resenting an imputation on his father's honor, *and not a word in condemnation of it came from that father's lips.* Over and over had his friends and retainers fought and bled for him and his cause, and never before had his voice been raised in condemnation of the modern Juggernaut.

Colonel Burr always regarded this paper with the greatest disgust. "It read," he said, "like the confession of a penitent monk."

At daybreak on the morning of the 11th John Swartwout, a friend and retainer of Col. Burr's, came to call his chief and was surprised to find him sleeping as tranquilly as a babe. He awakened him. William P. Van Ness, who was to act as second, and another friend or two arrived and the party hurried down to the Hudson where a row-boat had been provided to carry them to the opposite shore. The favorite duelling ground of those days, and almost the only one near the city, was a bench or shelf of rock on the face of the precipitous Palisades at Weehawken a little south of the spot where the tunnel of the West Shore Railroad now pierces it. It long since disappeared but a pillar on the brow of the cliff above fixes its position approximately.

Burr's party reached the spot first as had been prearranged. It was a narrow, grassy shelf about eleven paces long by six feet wide. Shaded by a dense wood, inaccessible to pedestrians along the river bank, and with no house in sight it was peculiarly well fitted for the secret and bloody encounters that had given it the soubriquet of the American Golgotha. It was a clear, bright sunshiny morning. A few moments before seven Hamilton and his party arrived.

After the usual salutations between principals and seconds the latter proceeded to measure off ten full paces and to cast lots for choice of position and as to which second should give the fatal word. Fate was unkind to Hamilton in both cases. Nathaniel Pendleton, his second, won and placed his principal at the upper end of the ledge facing both the sun and flashing water beneath, which was a mistake as the glare from both must have interfered with the aim.

As Pendleton handed his pistol to Hamilton he asked if he would have the hair trigger set. "*Not this time,*" replied his principal.

At the word "*Present*" they were to fire as soon as they pleased. The pistols were raised, Burr facing the cliff, Hamilton with his back to it looking over toward the city. "One moment," said Hamilton and removing his spectacles he wiped them carefully with his handkerchief, then replaced them. The glare dimmed his sight and he attributed it to the spectacles. "Present," then came the word. Hamilton fired *first*. There can be no doubt of this. Burr on the only occasion he ever revisited the spot, so declared, and his second Van Ness, maintained it to his dying day. "When he stood up to fire," said Burr, "he caught my eye and quailed under it; he looked like a convicted felon." His ball severed a twig over Burr's head. The latter fired a second later, his bullet entering his adversary's right side and inflicting a mortal wound.

Burr was quite unprepared for the popular clamor against him that arose on Hamilton's death. Duels, many of them ending in death, were of almost daily occurrence at Weehawken and had been for a generation of men. In few of them could the challenging party show the provocation that he had received. But never before had the duelist's bullet sought so shining a mark. Besides politics was in it. Jefferson and his faction saw in the duel an opportunity to kill a dangerous rival; the Clinton and Livingston factions of New York were equally perspicuous. As for the Federalists whose high priest had fallen, they were beside themselves with grief and rage. So the press fulminated, the pulpit anathematized, and orators and pamphleteers the country over united in denouncing the man who had routed Federalism forever, brought in Democracy, made Jefferson President, and set forward the hand of progress farther on the dial plate of time in a day than had any of his contemporaries in a century. But in the South and West dwelt men who admired courage and manliness, and among these Burr still had a following.

Fierce demands were made for his indictment as a murderer and to escape this and allow the popular excitement to abate, Colonel Burr, who it is to be remembered was still Vice-President, set out in July, 1804, on a Southern tour, visiting his daughter Theodosia in her beautiful home, "The Oaks," near Georgetown, S. C., and spending several weeks

with old political friends in South Carolina and other Southern States. From this tour he returned in time to resume for the last time his duties as President of the Senate, as before narrated.

On retiring from the Vice-Presidency Colonel Burr was a free man once more. To the superficial view his political career was ended. But it is certain that if he had after a time settled down in New York to his profession of the law he might in a few years have regained his old political ascendency. The common people loved him. He had that rare quality, personal magnetism. He had tact. He was a soldier of approved valor, put to the test on the field and in the imminent deadly breach. He was generous, sympathetic, democratic, in that he had a regard for the under dog in the fight, and a stern hater of all sham, pretence, and affectation. Matthew Lyon, the fierce democrat who figured as principal in the first Congressional fracas, urged him to come to Tennessee, hang out his shingle at Nashville, and run for the next Congress, assuring him of a triumphant election.

But Colonel Burr decided to leave the United States. In point of fact he was not in sympathy with its form of government, which, professing to be republican, he thought was in reality oligarchical. He had himself some ideas as to a model republic, and thought he could improve vastly on the much lauded and overpraised Constitution of 1789. From his conversations in later life we can outline his scheme of government with considerable confidence. He thought that government best which governed least, and planned for a much simpler form of government than that of the Federalist. One law-making body chosen directly and every year by the people and responsible solely to them, the referendum for all important questions, an executive also elected directly by the people for a six-years' term and inelegible for re-election, and two courts, a trial court and an appellate court, for each judicial district, with arbitration for all minor cases, were its principal features.

Colonel Burr, it is well known, had little respect for our system of jurisprudence, which is based on the old English common law with all its archaisms, its absurd terminology and foolish repetitions, its quips and quibbles, stays, appeals, adjournments, injustices, so that a case may run

the gauntlet of the courts from ten to fifteen years before final adjudication. In his system he would have introduced some vital reforms, particularly in the much lauded jury system. Instead of throwing out a drag net and hauling in as jurors all sorts and conditions of men, ignorant of the rules of evidence, unaccustomed to weighing facts, he would have proposed a school for the education of professional jurors, from the graduates of which he would have selected his panel. There would have been six instead of twelve, and a majority vote would have decided. From their decision there would have been no appeal as to matters of fact, and but one as to questions of law, and that one to an appellate court composed of six judges of approved learning and integrity.

Is it not certain that with a code and system thus simplified, the business of the courts would go forward with a vigor and celerity wholly unknown under the present régime? If Colonel Burr could have been let alone it is certain we should have seen these novel plans and theories put in operation. The question with him now was where could he go to set up this model republic. The United States, his own country, was committed to the plan of Hamilton. Mexico, on the south, rose before his vision, a land of old renown, believed by many to have been the cradle of the human race, but now, under the rule of the cruel, ignorant Spaniard, submerged in wretchedness and degradation. Here was a country that could easily be wrested from its masters. There he could set up his model government of such surpassing excellence that all other nations must accept it as their model.

In the spring of 1805, with this nebulous plan in mind, he set out for a six-months' tour of the Western and Southwestern country. He had many friends in those sections, old army comrades, Senators over whom he had presided, professional friends, social acquaintances made during his term of office, and from conversations with them he returned convinced that his plan was perfectly feasible.

War with Spain seemed inevitable. The bent toward Southwestern acquisition in the West and South was large, his own military reputation was such that at the first unfurling of his standard for a descent on Mexico he could count on an army of the choicest, most gallant spirits,

while on its once setting foot on Mexican soil, the great mass of the people there might be counted on to rise in revolt.

Burr determined to raise an army, take Mexico, and found there his empire, which was to be a one-man government at first, but which as soon as the people were ripe for it should be made a republic in fact as well as in name. Such was his plan, and the whole plan. To say that he contemplated a severance of the West from the East and the setting up of a trans-Alleghany empire, is to write him down for a fool or madman. The thing was impossible of execution even if he had desired it. It was filibustering of course, but then there was never a ranker set of filibusters than those brought to these shores by the *Mayflower*, and them we revere, and rightly, too, as most perfect models of correctness; in fact, the whole history of the race is little more than a record of the filibustering of the strong against the weak.

But to return to our subject. His plan was predicated largely on the fact of a war with Spain. Jefferson's prudence averted that war, and Burr turned his energies toward advancing a secondary scheme which he had formed, should the first prove impracticable. This was the establishment of a colony on the Washita River near Texas, to be used as a base of operations in future attempts upon Mexico. General Wilkinson, then Governor of the new territory of Louisiana, Daniel Clark, a wealthy New Orleans merchant, Andrew Jackson, Governor Allston, General Adair of Kentucky, Colonel Dupeister, and hundreds of other prominent persons were cognizant of this scheme, and interested in it. As a preliminary step 50,000 acres of land on the Washita River, known as the "Bastrop Lands," were bought by Colonel Burr's agents, and preparations for colonizing it were urged forward. Provisions were bought, recruits enlisted, and boats wherewith to descend the Mississippi contracted for. The rendezvous was at Blennerhasset's Island,—an historic spot, and one demanding more than a passing mention.

No locality in the land is better known, and not alone in forensic contests have its velvet lawns and quiet glades, its gardens and fountains, and shrubberies "which Shenstone might have envied," been held up to the gaze of an admiring and pitying public. The owner of this "earthly

paradise," too, has received his full share of adulation; fifty years ago no subject was more fascinating to the average writer, male or female, than Harman Blennerhasset and his alleged wrongs, and no tragedy of that day was thought complete which did not present this unfortunate man as the Amiable Victim, and Aaron Burr as the Heavy Villain of its *dramatis personæ*.

In point of fact, the story of Burr's connection with Blennerhasset is a very prosaic one. They first met in 1805, when Burr was on his Western tour. He was journeying down the Ohio with a friend, in a row-boat, and passing the island, landed from motives of curiosity, having heard that it was the home of an eccentric foreigner. He was kindly received, pressed to stay to tea, remained, spent the evening with his entertainers, and resumed his voyage late at night. The two did not meet again until Colonel Burr came West on his scheme for colonizing the Washita Lands.

Who was Blennerhasset? A renegade Englishman, driven from his own country for the crime of incest, who had fled into the western wilderness to escape the reproaches of his friends and perhaps the stings of conscience. He had reared on his island a plain, wooden, two-story structure, half barracks, half blockhouse, and had cleared a few acres of land, part of it lawn, part garden, part cultivated field. Probably ten thousand dollars would have met the actual cost of his improvements. Be this as it may, he was now nearly bankrupt and needed no urging to engage in any enterprise that promised both excitement to drown memory and money to repair his fortunes. His "island," the paradise of the historical romancers, was a narrow strip of land in the Ohio River, fourteen miles below Marietta, three or four miles in length and comprising about two hundred and seventy acres of land. It was neither picturesque nor romantic, certainly not an Eden.

Here it was that in the summer of 1806, preparations were busily made for colonizing the tract on the Washita. On the 4th of August, these were so far advanced that Colonel Burr with his accomplished daughter Theodosia left the island for the Cumberland River, where another detachment was rendezvoused, leaving Blennerhasset to complete the preparations on his island, and then join his chief late in the fall at

the mouth of the Cumberland, where the united force would proceed down the Mississippi on its enterprise. But before these plans could be carried out, Burr was surprised to learn, from the President himself, that his colonization scheme was treasonable.

On the 25th of November, 1806, Jefferson received from General Wilkinson (Burr's ancient friend and ally, and then commanding the department of Louisiana) a cipher letter, purporting to be from Burr to him (Wilkinson), proposing that he should use the army under his command to provoke a war with Spain, and also hinting at the erection of a great Southern empire. This letter, grossly exaggerated and altered as it was, was accompanied by such representations from Wilkinson as to raise in the mind of the President the direst visions of treasons and stratagems; his action on receipt of it was that of a man bereft of sober judgment, for nothing could be more absurd than to suppose that so shrewd and politic a man as Aaron Burr would entertain for a moment the project of seducing from its allegiance the great West, then the stronghold of republicanism and devotedly attached to the administration. To the President and his Cabinet, however, it was evident that a heavy conspiracy was already on foot in the West; and on the 27th of November the former issued a proclamation, declaring that unlawful enterprises were under way in the Western States, and warning all persons to withdraw from the same, under penalty of incurring prosecution "with all the rigors of the law."

We who have been made so familiar with treason that its aspect is no longer frightful, can hardly realize the ominous and hateful sound of the word in 1800, nor the excitement and fear which convulsed the country on the publication of the President's ridiculous proclamation. Latent patriotism effervesced and spent its force, from lack of other vent, in denunciation of the supposed conspirators. The President sent a special message to Congress denouncing Burr as a traitor, and asking for an act to suspend the writ of habeas corpus, which was granted by the Senate but rejected by the House. Military companies paraded daily, and crowded their offers of assistance upon the General Government; forts and arsenals were put in warlike trim, the navy was strengthened, and the newspapers and the administration vied with each other in circulating the

wildest rumors and most palpable untruths; in short, popular hatred and mistrust were brought to the highest pitch, and there held suspended—a sort of moral avalanche ready to be hurled upon the luckless wight who should be even suspected of the odious crime of treason. Meanwhile Colonel Burr, a peaceful citizen of the United States, was pursuing his peaceful and laudable schemes on the banks of the Ohio. The President's proclamation reached Blennerhasset's Island early in December. On the 4th, Blennerhasset learned that a detachment of militia from Wood County, Va., would make a descent on the island the next day, and capture himself, the boats, stores, and all the property of the expedition; and that night, secretly, with four boats and thirty men hastily collected, he left the island and fled with his utmost speed down the river. At the mouth of the Cumberland he met his chief, and the combined flotilla proceeded on down the Mississippi.

Had a cunning limner like our Nast been present, he might have found material for a dozen spirited cartoons in this first insurrectionary expedition against the Government. There were the flat-boats, thirteen in number, borne by the sluggish current, and guided by sixty red-shirted backwoodsmen. Prominent objects on their decks were the chicken-coops and pig-barracks with their noisy occupants. Sacks of flour, barrels of bacon, and kiln-dried corn, hams, and other munitions of war, with such deadly instruments as ploughs, spades, hoes, pots, skillets and the like, formed the bulk of the cargo. On lines stretched across the deck hung seed-ears and slices of pumpkin drying in the sun; children played unterrified about this grim array; and near at hand their mothers sewed and gossiped; the linnet and canary sang in their gilded cages, and the antics of a pet monkey joined to the strains of a superannuated banjo relieved the tedium of the voyage.

In this manner, day after day the grim armament floated down the river, carrying terror and dismay wherever it penetrated. At Bayou Pierre, thirty miles above Natchez, a crisis occurred. The Natchez militia, two hundred and seventy-five strong, hearing of Burr's arrival, marched out to meet him. Drawing near his encampment, they were reinforced by a battalion of cavalry, and, halting, sent a peremptory sum-

mons to Burr to surrender. The latter talked freely with the messengers, declared his innocence of any treasonable designs, and protested against such high-handed and arbitrary proceedings. But the officers persisted in their demand, and at last Burr agreed to meet Governor Mead next day and surrender his entire force, with the stipulation, however, that he should not be handed over for trial to the military authorities. He was then conveyed to the neighboring town of Washington, a Grand Jury was hastily impanelled, and he was brought before them for trial—but on what charges? The grand jury struggled with this question for days, but was unable to answer it; and a higher tribunal a few weeks later fared no better; but at length, after numberless motions and discussions in which Burr completely captivated the populace with his displays of learning and eloquence, the grand jury returned that "on a due investigation of the evidence brought before them, Aaron Burr has not been guilty of any crime or misdemeanor against the laws of the United States." They also went further, and presented as a grievance "the late military expedition, unnecessarily, as they conceive, fitted out against the person and property of Aaron Burr." They also presented as a grievance, destructive of personal liberty, the late military arrests, made without warrant, and as they conceive, without other lawful authority. Thus ended the first attempt to indict Colonel Burr for the crime of treason.

He was a free man again, but not secure, for orders had already been issued by the President "*to take the body of Aaron Burr, alive or dead, and to confiscate his property.*" Finding himself in the power of a military despotism, he determined to escape, and crossing the Mississippi, made the best of his way southward toward the port of Pensacola, where lay a British man-of-war on which he hoped to find refuge.

Some days after these events two travellers might have been seen descending a hill near the residence of Colonel Hinson, in the town of Wakefield, Alabama: these persons were Colonel Burr and his guide. At the foot of the hill they were intercepted by a file of dragoons led by Captain Gaines, commanding Fort Stoddard near by. Captain Gaines rode forward. "I presume, sir," said he, "that I have the honor of

addressing Colonel Burr." "I am a traveller in the country," replied the person addressed, "and do not recognize your right to ask such a question." "I arrest you at the instance of the Federal Government," was Gaines' rejoinder. "By what authority do you arrest travellers on the highway, bound on their own private business?" asked the stranger. "I am an officer of the army; I hold in my hands the proclamation of the President and Governor directing your arrest," was the reply. "You are a young man, and may not be aware of the responsibilities which result from arresting travellers," said the person addressed. "I am aware of the responsibility, but I know my duty," said Gaines.

It was all in vain that Colonel Burr protested his innocence, declared that all this arose from the malevolence of his enemies, and pointed out the liabilities the captain would incur by arresting him. "My mind is made up," said Gaines, and the former Vice-President was arrested and duly lodged within the walls of a military fortress.

For two weeks Colonel Burr remained at Fort Stoddard, then, in charge of a file of soldiers under command of one Perkins, he was sent overland to the city of Richmond, where the Government had decided his trial should take place. One incident only of this difficult and perilous journey shall be narrated. After the party had passed the wilderness and had come to the outposts of civilization, the utmost care was taken to prevent the prisoner from communicating his situation to his friends, and through them appealing to the civil authorities for relief. Perkins had carefully avoided the large towns in his way, but while passing through Chester, in South Carolina, they chanced to ride near a small tavern, in front of which quite a group of citizens had collected. This was Burr's opportunity, and he embraced it.

Suddenly throwing himself from his horse, he exclaimed with a loud voice: "I am Aaron Burr, under military arrest, and claim the protection of the civil authorities!" In a moment Perkins sprang to the ground and presenting his pistols to Burr's head sternly ordered him to remount. "I will not!" Burr shouted defiantly, whereupon Perkins, a perfect specimen of a backwoodsman, seized him around the waist and threw him forcibly into his saddle, a soldier then seized his bridle, and the whole

cavalcade swept off into the forest before the astonished people had time to comprehend the situation.

It is said that Burr, thus a second time kidnapped, was almost wild with excitement. "The indifference of the people," says Mr. Parton, "the indignity he had suffered, the thought of his innocence of any violation of the law, the triumph his enemies were about to have over him, all rushed into his mind, and for the moment unmanned him. For the first and only time, amid all his unexampled misfortunes, his iron fortitude forsook him, and he burst into tears."

This, however, lasted but a moment, then the prisoner's usual imperturbability of manner returned, and the journey was finished as it had been conducted, without a murmur or word of complaint from him. The party arrived in Richmond on Thursday, the 26th of March, 1807. On Monday the prisoner was brought before Chief-Justice Marshall for examination previous to commitment, and after three days of argument was committed for misdemeanor only, the Judge leaving the charge of treason to be considered by the Grand Jury.

He was arraigned before the Grand Jury May 22, 1807. Never before or since, perhaps, has the country witnessed a trial of such magnitude, conducted by such an array of talent, and the progress of which was followed with such intense interest by the whole country. All the magnates of Virginia, General Jackson, John Randolph, Senator Giles, distinguished public men, fair ladies without number, crowded the court-room. The sympathies of the people of Richmond, and of the ladies especially, were with the prisoner, and many expressions of sympathy and regard were tendered him during his forced stay in the city. Two judges conducted the trial, John Marshall, Chief Justice of the United States, and Cyrus Griffin, Judge of the District Court of Virginia. Burr was fortunate in his chief judge. "The soul of dignity and honor," says a contemporary, "prudent, courageous, alive to censure, but immovably resolute to do right, John Marshall was the Washington of the bench, an honest man and just judge." It was to his firmness and judicial impartiality no doubt that Burr owed his life, or at least, liberty.

The lawyers employed were worthy of the occasion. Engaged in the

prosecution, were George Hay, Monroe's son-in-law, William Wirt, the renowned orator, and Alexander McRae, Lieutenant-Governor of Virginia. For the defence appeared Aaron Burr, the Launcelot of this legal tournament; Edmund Randolph, Washington's Attorney-General and Secretary of State; Wickham, called the ablest lawyer at the Richmond bar; Luther Martin of Maryland, Jefferson's "Federal bull-dog"; and Benjamin Botts of Virginia.

At the opening of the trial it was found that an impartial jury could not be obtained. Of the whole panel summoned, all admitted that they had formed an opinion adverse to the prisoner. "I pray the court to notice," remarked Burr, while the jurors were being challenged, "from the scene before us, how many attempts have been made to prejudice my cause."

At length, late in the afternoon, a jury was obtained, not one of whom but had admitted his conviction of the prisoner's guilt. Of the trial, or rather trials, that followed, it is impossible for us to speak in detail. A report of it was published in two large octavo volumes, and may be found in any well-stocked law library. Mr. Davis and Mr. Parton also give able summaries. The trial was divided into two parts, one before the grand jury on a motion for a commitment of the prisoner on a charge of treason, the other was the trial for treason itself after a true bill had been found. Between the two was an interval of some six weeks.

The trial was opened by Colonel Burr, who addressed the court, as to the admissibility of certain evidence which he supposed would be offered. Hay replied, "hoping the court would grant no special indulgence to Colonel Burr, who stood on the same footing as any other man who had committed a crime." "Would to God," was the retort of Burr, "that I did stand on the same footing with any other man. This is the first time I have been permitted to enjoy the rights of a citizen. How have I been brought hither?"

In the speech that followed, he made many other strong points, and eminently Burrian; but the strongest, and that which most thoroughly demoralized the prosecution, was the stand taken in the very first stages of the trial, that before any evidence as to the prisoner's guilt could be

admitted, the *act* of treason must first be proved, just as it would be manifestly absurd to indict a man for murder until the fact of the *killing* was first established. In the course of the argument on this point, Mr. Botts defined in a masterly manner, the *act* of treason. "First," said he, "it must be proved that there was an actual war; a war of acts and not of intentions. Secondly, the prisoner must be proved to have committed an overt act in that war. Thirdly, the overt act must be proved to have been committed in the district where the trial takes place. Fourthly, the overt act must be proved by two witnesses," and this view of the crime of treason was sustained by the court.

The prosecution could not conceal the dismay and confusion which this decision caused in their ranks. To prove the prisoner's guilt, they had relied chiefly on *ex parte* evidence, suspicious acts, the prisoner's acts, and his own unguarded words. Now they were forced to go back of all this, and before a syllable of evidence in regard to the prisoner or his acts could be admitted, must prove the fact that actual war had been levied against the United States. However, gallantly recovering from this *contretemps*, they at once set to work to establish the overt act. Wilkinson was sent for from New Orleans, General Eaton brought from New Jersey, and the Morgans from Kentucky. Hardly a person that had written or spoken to Colonel Burr during the past two years but was brought to the witness stand, in the effort to prove that war had actually been levied against the United States. Even post offices were broken open and rifled of his papers; it was all in vain, however; no war was to be found, or as Colonel Burr pithily expressed it in a speech to the court on the third day of the trial: "Our President is a lawyer and a great one too. He certainly ought to know what it is that constitutes a war. Six months ago he proclaimed that there was a civil war, and yet for six months have they been hunting for it, and still cannot find one spot where it existed. There was, to be sure, a most terrible war in the newspapers, but nowhere else. When I appeared before the grand jury in Kentucky, they had no charge to bring against me. When I appeared for a second time before a grand jury in the Mississippi territory, there was nothing to appear against me, and the Judge even told the United States Attorney, that if he did not send

up the bill before the grand jury, he himself would proceed to name as many witnesses as he could and bring it before the court. Still there was no proof of war. At length, however, the Spaniards invaded our territory, and yet there was no war. But, sir, if there was a war, certainly no man can pretend to say that the Government is able to find it out. The scene to which they have now hunted it is only three hundred miles distant, and still there is no evidence to prove this war."

At length, after thirty-three days of argument, the grand jury brought in an indictment against Aaron Burr for treason, and also an indictment for misdemeanor. Blennerhasset was also indicted for the same offences. The trial for treason began on the 3d of August; the same judges and counsel were in attendance. Here the same difficulty was experienced in securing an impartial jury. Fourteen days were spent in the effort. Of the first *venire* of 48, but four were found unprejudiced; of a second *venire* of 48 summoned, *all* admitted that they had formed opinions unfavorable to the prisoner. The defence even moved to quash the trial on the ground that an impartial jury could not be obtained. The matter was at length compromised by allowing the defence to choose eight from the *venire* last summoned, which, added to the four chosen from the first, made up the required number.

The second trial was in many respects a repetition of the first. The witnesses chiefly relied on to prove the overt act were General Eaton, an old army officer, the Morgans, and General Wilkinson.

Eaton and the Morgans gave an exaggerated account of Burr's wild talk of severing the Union—words that he certainly would never have uttered had he really entertained such designs. Wilkinson produced the famous cipher letter, which had raised the tempest, but which proved nothing, except that the two men had had a prior agreement as to certain objects to be attained. It should be remarked here that Wilkinson by his own confession was a perjurer as well as a traitor. At the trial he swore that the letter produced was *the one* received from Burr and *unaltered*; afterward he admitted that he had made some slight *alterations* in it. Burr declared after the trial, that thirty of the fifty witnesses examined had perjured themselves. On the 29th of August, the debate was con-

cluded by Mr. Randolph. On the 30th, the judge delivered his charge. On the 31st the jury brought in their verdict—the most irregular and cowardly ever returned by an American jury. "We of the jury," so the verdict ran, "say that Aaron Burr is not proved to be guilty under the indictment *by any evidence submitted to us.* We therefore find him not guilty." It was the Scotch verdict of *not proven*, and was designed to fasten still more firmly in the minds of the people conviction of the prisoner's guilt. Scarcely was the reading of the verdict concluded when Colonel Burr was on his feet vehemently protesting against such a verdict, and it was only after a spirited debate that he succeeded in having it entered as simply "not guilty." On the trial for misdemeanor he was also acquitted.

This ended the matter. Of all the cases of political persecution in this country, from Matthew Lyon and Judge Chase to Andrew Johnson and James G. Blaine, Aaron Burr's was the saddest, most causeless, and most disgraceful of all. For here it was not only sought to hang an innocent man in order to remove a political rival, but the ineffaceable stigma of traitor was to be placed upon his name and memory; and that man a citizen of the greatest eminence, who had fought in the war which made the Nation possible, and who had been elected to the second highest office in the gift of the people.

Imagination can scarcely conceive what Mexico would have been today had Burr been suffered to carry out his plans. Liberal and progressive, he would have made education universal; art and science would have flourished as never before; her mines would have been developed, and their vast treasures spent in the construction of public works, the encouragement of learning, and the glory of the State. We should have read, too, the riddle of her marvellous history, for the world's poets and scholars, uncovering her monuments and penetrating her secret cloisters, would have unearthed the wealth of hieroglyphic and manuscript there hidden, and have given us the epic of lost Atlantis, tragedies more thrilling and romantic than have ever been written, and the history of that mysterious Mayan race which constructed an empire of civilization that was finished and mature when our oldest political systems were in the weakness of infancy.

Aaron Burr was bankrupt in fortune, friends and reputation. His position in the land for which he had done and suffered so much had become unendurable. The Government still breathed out threatenings against him, and the belief of his guilt was firmly fixed in the minds of the people. It has been demonstrated that nothing but time and Almighty power can remove a popular prejudice. Burr was too wise to attempt it; he did better, he left it behind him. Early in June, 1808, threatened with a second arrest by the Government, he sailed in disguise under the name of Edwards, in the British mail-packet *Clarissa* bound from New York to Liverpool. The *Clarissa* left port on the 9th of June, and on the 14th of July she arrived at Liverpool.

Of Colonel Burr's four years' wandering in the Old World, we cannot speak with any degree of particularity. He remained in England nearly a year, or until April, 1809; then, induced by the representations of the American Minister, Lord Liverpool addressed him a polite note, which stated that the presence of Colonel Burr in Great Britain was embarrassing to his Majesty's Government, and that it was the wish and expectation of the Government that he should remove. Burr, who had been dined and *fêted* by most of the literary and society magnates of London, had visited the tomb of Shakespeare and travelled about the kingdom as far as to Edinburgh, was quite ready to make his Majesty's mind easy by leaving the inhospitable isle; and accordingly on the 24th of April, 1809, sailed for Gottenburg in Sweden, not deeming it safe at that time to visit France. He remained in Sweden five months, enjoying Swedish hospitality to the full, and received as a distinguished guest even by royalty itself. Late in October he set out with two companions, Americans, for Paris. The party proceeded by easy stages to Elsinore, from Elsinore to Copenhagen, and from thence to Hamburg, on the confines of French territory. Here they waited for passports to the French capital.

While detained at Hamburg he made a short excursion into Germany, visiting Hanover, Gottingen, Weimar, Frankfort, and other places. At Weimar he met Goethe, Wieland, the Baroness de Stein, and other eminent persons. Returning to Mayence, where the passports were to be sent, he waited a few weeks until they arrived, and then proceeded without further

incident to Paris. In Paris Colonel Burr lived fifteen months; the last ten months spent in trying to get away, for Jefferson had now become a private citizen, and the thought would obtrude itself that he might return in safety to his native land.

But the representations of the American Minister had made him an object of suspicion to the French Government, and he was refused permission to leave the country. At length, however, in July, 1811, the Government was induced to remove its surveillance, and wringing a reluctantly given passport from the American *chargé d'affaires*, through an accidental acquaintance with some of that gentleman's doubtful transactions, he betook himself to Amsterdam, where lay the *Vigilant*, Captain Combes, and about to sail for America. The captain, a gallant, generous son of the sea, gladly gave the ex-Vice-President passage, and on the 1st of October, 1811, Aaron Burr bade adieu forever, and we may imagine without regret, to the continent of Europe. But outside the harbor a crushing misfortune awaited him, for the *Vigilant* was set upon by a British cruiser and carried into the English harbor of Yarmouth, and held as a prize, subject to the decision of the admiralty. Burr at once proceeded to London and there remained six months awaiting an opportunity to return to America. Few vessels were then sailing, and the captains of those that were were easily persuaded by the American consul to refuse him a passage. At length, however, he found a Captain Potter, of the ship *Aurora*, who agreed to land him in Boston for the sum of thirty pounds.

Burr again paid his passage money, received his passports from the British Government, now all friendliness, and five weeks thereafter was safe in Boston Harbor. A month later, in May, 1812, the second war with Great Britain was declared, and the Atlantic became a dangerous highway for American vessels.

With the return of Colonel Burr to his native country ends our brief *résumé* of his public career. The story of the remaining twenty-five years of his life is a pitiful one,—a mere record of slights and scorns,—a continued kicking of a man who was down, by the Philistines of the day.

Immediately on his return he opened a law-office in New York, and much of his former business returned to him, but he never regained his

social or political status ; and he never sought to regain it. Conscious of the injustice done him, and retaining his pride of character to the last, he disdained to make explanations, and repaid scorn for scorn, and contempt with indifference. But to the few friends who remained faithful, he was the same brilliant, genial, fascinating man as of old, and these he was wont to entertain for hours, when off duty, with vivid descriptions of the men and things of a former generation, interspersed with brilliant anecdotes, and profound observations on pending issues in politics and statecraft. Nothing, it is said, could be more valuable and interesting than these recollections, and it is to the incalculable loss of American literature that they were not preserved in print. Burr did entertain such a project at one time, and would probably have carried it out but for the loss of his most valuable papers in the same shipwreck that bereft him of his daughter and rendered him dead to ambition or any worldly interest.

Before passing to narrate the closing scenes of his life, a few notes as to the appearance, character, and habits of our distinguished subject will be thought necessary and interesting. A writer in the New York *Leader* thus describes him as he appeared in the later years of life :

"I knew him personally, from my boyhood, and saw him often in the quiet scenes of domestic life, in the house of a gentleman who was always his friend. His personal appearance was peculiar. Under the medium height, his figure was well proportioned, sinewy and elastic, appearing in every movement to be governed more by the mental than mere physical attributes. His head was not large, but, as phrenologists say, well proportioned. His forehead was high, protruding, but narrow directly over the eyes, and widening immediately back. The head was well, even classically, poised upon the shoulders ; his feet and hands were peculiarly small ; the nose rather large, with open, expanding nostrils ; and the ears so small as almost to be a deformity. But the feature which gave character and tone to all, and which made his presence felt, was the eye. Perfectly round, not large, deep hazel in color, it had an expression which no one who had seen it could ever forget. No man could stand in the presence of Col. Burr, with his eyes fixed on him, and not feel that they pierced his innermost thoughts. There was a power in his look—a mag-

netism, if I may be allowed the expression,—which few persons could resist. The expression of his face when I knew him,—it was first in 1823,—bore in repose a sad and melancholy air, yet the features were mobile, and when addressing ladies, uttering some pleasantry or witticism, the smile around his mouth was literally beautiful, and his eyes would lose their piercing look, and become tender and gentle. His voice was not powerful, but round, full, and crisp, and though never loud, was tender or impressive as the case required. His elocution in conversation was perfect, always precisely suited to the occasion and the style of thought to which he was giving expression. His language was terse, almost epigrammatical, and he rarely indulged in illustration or metaphor; his words were always the most apt that could be used, and he had command of a vocabulary which would make Roguet of the Thesaurus envious. His manners were polished, his motions graceful and easy, yet he never for a moment lost his noble and dignified bearing. In mere physical beauty, in elegance of face or figure, in brilliancy of the eye, I have seen many men superior to Col. Burr, but in a bearing and presence which you felt to be something beyond other men, with character in every motion and expression, in a life of over forty years, and after seeing all the great men of the country during that period, I have never seen his peer. He wore his hair—which till quite late in life was long and thick, excepting on the front of the head,—massed up on the top held by a small shell comb, the whole head profusely powdered. . . . His usual dress was a single blue-breasted coat, with standing collar, a buff vest, and dark pants; in winter he wore a fur cap and buckskin mittens."

In regard to the *character* of Colonel Burr, the verdict of the honest and intelligent student of his career will be much more favorable than is the popular judgment. Of him it may be said more truly than of any other, that circumstances made him bad wherein he was bad, and that party rancor and sectarian bigotry painted the portrait which has come down to posterity. In proof of the truth of these assertions I will present a paper which was read by Judge John Greenwood, of Brooklyn, before the Long Island Historical Society, begging the reader to observe that the author's intimate acquaintance with Colonel Burr, his thorough

integrity and judicial training, render his judgment unassailable, whereas the idle and vicious tales from which the adverse judgment has been formed are without parentage and cannot be substantiated by any proof that would be received in a court of law. The italics in the paper are our own. They mark the passages which treat—very delicately and yet very satisfactorily—of Colonel Burr's relations with women, and make further remark on the subject unnecessary, except to say that all with whom the writer has conversed, and who were from their position best calculated to judge, take substantially the same view of the case as that expressed by Judge Greenwood. The paper is given nearly entire:

"As to Col. Burr I enjoyed peculiar advantages of knowledge, having been, for a period of about six years, namely, from about 1814 to 1820, a clerk and student in his office, and in constant intercourse with him, and this at a period of my life when the strongest impressions were likely to be made upon me. The dark side of Col. Burr's character has been very often presented, and it is unnecessary that I should make another exhibition of it. It gives me pleasure to be able to bring into the light, features upon which it is more agreeable to dwell, and some of which, indeed, may be contemplated with advantage. Let me speak first of his temperance in eating and drinking. It would be natural to suppose that a man somewhat unrestricted, as it must be admitted he was, in one respect which may be regarded as in some degree correlative, would not be very much restrained in the indulgences of the table. But the fact is otherwise. His diet was very light: a cup of coffee and a roll, with but seldom the addition of an egg, and never of meat or fish, constituted his breakfast. His dinner, in a majority of cases, consisted of roasted potatoes, seasoned with a little salt and butter, or perhaps of some thickened milk (called sometimes '*bonny clabber*') sweetened with sugar. A cup of black tea with a slice of bread and butter was the last meal; and these constituted as a general thing his whole sustenance for twenty-four hours. The exception was when some friend was invited by him to dinner. He was very fond, when seated at table, of having his favorite cat near him, and it was a pleasant thing to see puss sit on the arm of his chair and keep him company. As to spirituous liquors, I have no hesitation in saying, from per-

sonal knowledge, that he never used them. His usual beverage was claret and water, sweetened with loaf sugar. His wine he bought by the cask, and had bottled at his residence. The result of his abstemious course of living was, that he enjoyed uniform good health, which was seldom, if ever, interrupted.

"His industry was of the most remarkable character. Indeed it may with truth be said that he never was idle. He was always employed in some way, and what is more, required every one under him to be so. Sometimes in coming through the office, and observing that I was not at work, as I might not have been for the moment, he would say, 'Master John, can't you find something to do?' although it is safe to say that no clerk in an office was ever more constantly worked than I was.

"He would rise at an early hour in the morning, devote himself to the business of the day—for he had a large general practice—and usually retired to rest not sooner than twelve, or half-past twelve at night. In this way he would accomplish a vast amount of work. His perseverance and indefatigability, too, were strikingly characteristic. No plan or purpose once formed was abandoned, and no amount of labor could discourage him or cause him to desist. To begin a work was, with him, to finish it. How widely, in this respect, he differed from some professional men of his own and the present day, I need hardly say. I could recur to some, greatly his juniors in years, who were and are his very opposites in this respect. He was for having a thing done, too, as soon as it could be, and not, as some have supposed, for seeing how long it could be put off before it was begun.

"But I must say a word of his manner in court. He seemed in the street and everywhere in public, to be strongly conscious that he was a mark of observation, not indeed in the sense in which Hamlet is spoken of as "the observed of all observers," but as an object, to some, of curiosity, to others, of hostile or suspicious regard. Carrying this feeling into the court-room his manner was somewhat reserved, though never submissive, and he used no unnecessary words. He would present at once the main points of his case, and as his preparation was thorough, would usually be successful. But he was not eloquent. If he thought

his dignity assailed in any manner, even inferentially, his rebuke was withering in the cutting sarcasm of its few words, and the lightning glance of his terrible eyes, which few could withstand. I may say in this connection, that his self-possession, under the most trying circumstances, was wonderful, and that he probably never knew what it was to fear a human being.

"If there was anything which Burr's proud spirit supremely despised, it was a mean, prying curiosity. He early inculcated on me the lesson never to read even an opened letter addressed to another, which might be lying in my way, and never to look over another who was writing a letter. It was one of my duties to copy his letters, and I shall never forget the withering and indignant look which, on one occasion, he gave to a person in the office who endeavored to see what I was copying. Neither would he tolerate any impertinent gazing or staring at him, as if to spy out his secret thoughts and reflections.

"You will be glad to hear me say something of his very fascinating powers in conversation. It may seem strange, if not incredible, that a man who had passed through such vicissitudes as he had, and who must have had such a crowd of early and pressing memories on his mind, should be able to preserve a uniform serenity and even cheerfulness, but such is the fact.

"His manners were easy and his carriage graceful, and he had a winning smile in moments of pleasant intercourse that seemed almost to charm you. He would laugh, too, sometimes, as if his heart was bubbling with joy, and its effect was irresistible. Nobody could tell a story or an anecdote better than he could, and nobody enjoyed it better than he did himself. His maxim was *suaviter in modo, fortiter in re.* Yet, where spirit and a determined manner were required, probably no man ever showed them more effectively. Although comparatively small in person, and light in frame, I have seen him rebuke, and put to silence, men of position in society greatly his superiors in physical strength, who were wanting in respect in their language towards him.

"Colonel Burr was a social man, that is, he liked the company of a friend and would spend a half hour in conversation with him very agree-

ably. Occasionally one with whom he had been on intimate terms, and who had shared his adventures, like Samuel Swartwout, or William Hosack, would call and have a pleasant time. Dr. W. J. McNevin was also intimate with him. He was very fond of young company. Children were delighted with him. He not only took an interest in their sports, but conciliated them, and attached them to him by presents. The latter, I may observe, was also one of his modes of pleasing the more mature of the gentler sex.

"He was very fond of alluding to events in his military life. Indeed I think he chiefly prided himself upon his military character. His counsel was much sought by foreigners engaged in revolutionary enterprises, who happened to be in New York, and during the period of the revolution in Caraccas, Generals Carrera and Ribas, who took part in it, and during its existence visited New York, were on very intimate terms with him. The former was a gentleman of great talent but of modest and retired bearing.

"There are some who suppose that Colonel Burr had no virtues. This is a mistake. He was true in his friendships, and would go any length to serve a friend, and he had also the strongest affections. I shall never forget the incidents concerning the loss of his daughter Theodosia, then wife of Governor Allston of South Carolina. Soon after Colonel Burr's return from Europe to New York, he arranged for her to come on and visit him, and she set out, as is known, from Georgetown in a small schooner, called the *Patriot*. Timothy Green, a retired lawyer in New York, a most worthy man, and an old friend of Colonel Burr, went on by land to accompany her. The fact of the departure of the vessel, with his daughter and Mr. Green on board, was communicated by letter from Governor Allston to Colonel Burr, and he looked forward with anticipations of joy to the meeting which, after so many years of separation, was to take place between himself and his dear child. A full time for the arrival of the vessel at New York elapsed, but she did not come. As day after day passed and still nothing was seen or heard of the vessel or of his daughter, that face which had before shown no gloom or sadness, began to exhibit the signs of deep and deeper concern. Every means

was resorted to to obtain information, but no tidings were ever heard of the vessel or of her upon whom all the affection of his nature had been bestowed. 'Hope deferred' did indeed in this case make sick and nearly crush the heart. His symbol, which he loved occasionally to stamp upon the seal of a letter, was a rock in the tempest-torn ocean, which neither wind nor wave could move. But his firm and manly nature, which no danger or reverse nor any of the previous circumstances of life had been able to shake, was near giving way. It was interesting, though painful, to witness his struggle; but he did rise superior to his grief and the light once more shone upon his countenance. But it was ever after a subdued light.

"Something will be expected to be said by me, with regard to his duel with Gen. Hamilton. So much has been written on this subject already that I can add nothing to the history of the transaction. Every one will form an opinion for himself as to who was to blame in that unfortunate affair. I will say, however, that it was a matter to which Col. Burr, from delicacy, never referred. He was no boaster and no calumniator, and certainly he would have no word of censure for his dead antagonist. I will relate, however, an anecdote told me by him, indicating the degree of hostility felt towards him by some after that transaction, and at the same time his own intrepidity, although to the latter he seemed not to attach the slightest importance.

"He was travelling in the interior of the State, and had reached a country tavern where he was to stay for the night. He was seated by a table in his room engaged in writing, when the landlord came up and announced that two young men were below and wished to see him, and added that their manner seemed rather singular. He had heard that two very enthusiastic young gentlemen were on his track, and he was not therefore surprised at the announcement. Taking out his pistols and laying them before him, he told the landlord to show them up. They came up, and as one was about to advance into his room Burr told them not to approach a foot nearer. Then addressing him he said: 'What is your business?' The foremost said: 'Are you Col. Burr?' 'Yes, said the Colonel. 'Well,' says the young man, 'we have come to take your life, and mean to have it before we go away.' Upon this, Burr, laying

his hand upon one of his pistols, replied: 'You are brave fellows, are you not, to come here two of you against one man? Now, if either of you has any courage, come out with me, and choose your own distance, and I 'll give you a chance to make fame. But if you don't accept this proposal,' bringing the severest glance of his terrible eyes to bear upon them, 'I 'll take the life of the first one of you that raises his arm.' They were both cowed, and walked off like puppies.

"It may not be out of place here to relate another incident illustrating Colonel Burr's remarkable presence of mind, which occurred while he was in Paris. He had received a remittance of a considerable sum of money, and his valet formed a plan to rob him of it by coming upon him unawares with a loaded pistol. Burr was engaged in reading or writing in his room at a late hour at night, when the fellow entered with pistol in hand. Burr recognized him in a moment, and, turning suddenly around, said to him sternly: 'How dare you come into the room with your hat on?' The valet, struck with sudden awe and the consciousness of having violated that decorum which had from habit virtually become a part of his nature, raised his arm to take off his hat, when Burr rushed upon him, tripped him down, wrested his pistol from him, and, calling for aid, had him secured and carried off.

"Col. Burr, as is well known, was what is termed a *good shot* with a pistol. To illustrate his skill in this respect I will relate a circumstance told me by an old colored man named 'Harry,' who was in the habit, while I was with Col. Burr, of coming to his house to clean his boots and do little jobs. Harry had lived many years with the Colonel while the latter's residence was at Richmond Hill in the upper part of New York. The Colonel often had dinner parties, and after dinner the gentlemen would go out upon the back piazza to enjoy the air, and would amuse themselves by firing with a pistol at apples which Harry would throw up for them. Said Harry, laughing in the way peculiar to an old African, 'De Colonel would hit 'em almos ev'ry time, while de oder gentlement could n't hit 'em at all.'

"The charge against Col. Burr of *treason* has formed a prominent part of his history. All the facts developed on the trial have been long

since published, and it will not of course be expected that I should refer to them. I will say, however, that this was a subject upon which he was always disposed, whenever proper, to converse with those who were intimate with him. I myself have conversed with him upon it. He said he had been entirely misrepresented and misunderstood as to the object which he had in view. He had never, he stated, any design hostile to the United States or any part of it. His object was, as he said, to make himself master of Mexico and place himself at the head of it, and if they had let him alone he would have done it. He seemed to entertain a great contempt for Gen. Wilkinson, who was in command at the South at the time, considering him a very weak man.

"Colonel Burr, like other great men, had some remarkable eccentricities of character. He was very fond of all sorts of inventions, and always trying experiments. He puzzled his brain for a long time to get some motive power which would avoid the necessity of using fire or steam, of which Livingston and Fulton then held the monopoly. He had models made, and I also got my ambition excited about it. But his efforts and my own philosophical powers and chemical knowledge fell short, after a hard trial, of accomplishing the object. One great end which he desired to attain in housekeeping was to *save fuel*, not money, and I have known him to go to an expense, I should judge, of forty or fifty dollars in contrivances to save five dollars in the value of wood consumed. He was very liberal and even reckless in spending money for certain purposes, while in others, such as bills of mechanics, he was very particular and scrutinizing. He liked to have a bill looked over very carefully and reduced to as low an amount as the case would admit of, but so far as I know, never practised any dishonesty or refused to pay any just debt which he had incurred.

"I have foreborne thus far to refer to a matter connected with the character of Col. Burr, and identified almost with his name, and although not within the plan with which I started in this notice, I ought not, perhaps, to omit it. I allude of course to his *gallantries*. This is a topic upon which it would be impossible to speak with any particularity without transcending that limit of propriety within which all public discussions

should be confined. I shall, therefore, speak of it in the most general terms. *I do not believe that Col. Burr was any worse in this respect than many men of his own and of the present day who pass for better men.*

"The difference between them is, that he was much less disguised and that he did not pretend to be what he was not. *I think he was quite as much sought after by the other sex as he was a seeker.* There seemed indeed to be a charm and fascination about him which continued to a late period of his life, and which was too powerful for the frail, and sometimes even for the strong, to resist. I know that he has been charged with much wrong in this respect, and it may be with truth. I feel no disposition to justify him in his course, or even to palliate what must be regarded in its best aspect as a vice. But I have heard him say, and if it be true it is certainly much in his favor, *that he never deceived or made a false promise to a woman in his life.* This is much more than many can say, who have a much better name than he has.

"His married life with Mrs. Prevost (who had died before I went into his office) was of the most affectionate character, and his fidelity never questioned. There is another thing, too, which I will add to his credit. He was always a gentleman in his language and deportment. Nothing of a low, ribald, indecent, or even indelicate character ever escaped his lips. He had no disposition to corrupt others. One other thing I will add in this connection: Col. Burr, in everything relating to business, and indeed in all his epistolary correspondence with men, had a special regard for the maxim that 'things written remain,' and was very careful as to what he wrote. But with regard to the other sex, such was his confidence in them, that he wrote to them with very little restraint. . . . I must point you to one admirable and strong characteristic in him. He sought with young men, in whom he felt an interest, to graft them, as it were, with his own indomitable will, energy, and perseverance. I can truly say that, although I was often overtasked beyond my powers, and even to the injury, no doubt, of my health, so that his course seemed to me to be over-exacting and oppressive, yet that he constantly incited me to progress in all the various modes and departments of mental culture, even in music, the influence of which he deemed of great importance,

although he had but little taste for, and no knowledge of it himself; and that my success in life, as far as I have succeeded, has been owing to the habits of industry and perseverance which were formed under his training.

"As to the *character* of his mind, it would be probably presumptuous in me to attempt to analyze it. If I should express an opinion, it would be that it was not large, comprehensive, and philosophical, but rather quick, penetrating, and discerning. He was a shrewd planner, and indefatigable and persevering in carrying out his plans, although he did not always succeed in accomplishing them. He was a good scholar, acquainted with polite literature, and spoke the French and Spanish—the former fluently. I think his heart was not in the profession of the law, and that he followed it principally for its gains. He was, however, a good lawyer, was versed in the common, civil, and international law; acquainted generally with the reports of adjudicated cases, and in preparing important cases usually traced up the law to its ancient sources. But political and military life seemed to interest him more than anything else, although he never neglected his business. He prided himself probably more upon his military qualities than upon any other, and if he could have gratified his ambition by becoming Emperor of Mexico he would no doubt have been in his glory."

The following reminiscence from a New York newspaper will be found interesting: "Just round the corner (from Broadway) in Reade Street—we believe on ground now occupied by Stewart's—was the office, for many of the later years of his life, tenanted by Aaron Burr. We, when a boy, remember seeing him there often. It was a dark, smoky, obscure sort of a double-room, typical of his fortunes. Burr had entirely lost caste for thirty years before he died, and whatever may be said of his character and conduct, we think nothing can excuse the craven meanness of the many, who, having fawned around him in the days of his elevation, deserted and reviled him in the aftertime of misfortune. Burr had much of the bad man in him (faith, we 'd like to see the human mould that has not), but he was dauntless, intellectual, and possessed the warm temperament of an artist. Yes, we remember well that dry, bent, brown-faced

little old man, polite as Chesterfield himself, that used to sit by an ancient baize table, in the half-light of the dust-covered room, there—not often with work to do—indeed he generally seemed meditating.

"We can *now* understand it all, though he seemed a strange personage then. What thoughts must have burned and whirled through that old man's brain—*he*, who came within a vote or two of seating himself as a successor of Washington. Even to our boyish judgment then, he was invested with the dignity of a historic theme. He had all the air of a gentleman of the old school, was respectful, self-possessed, and bland, but never familiar. He had seen a hundred men morally as unscrupulous as himself, more lucky, for some reason or other, than himself. He was *down;* he was old. He awaited his fate with Spartan calmness—knowing that not a tear would fall when he should be put under the sod."

At my request, Mr. Parton kindly transmitted to me the Burr papers which had collected since his work was published, with full permission to use them as I thought best. Among them I find this interesting extract, from a religious journal, concerning Colonel Burr's early education:

"The oldest son of President Edwards congratulating a friend on having a family of sons, said to him with much earnestness, 'Remember there is but one mode of family government. I have brought up and educated fourteen boys, two of whom I brought, or rather suffered to grow, up without the rod. One of these was my youngest brother,* and the other Aaron Burr, my sister's only son, both of whom had lost their parents in childhood, and from my observation and experience, I tell you, sir, a maple-sugar government will never answer. Beware how you let the first act of disobedience in your little boys go unnoticed, and, unless evidence of repentance be manifest, unpunished.'" †

Among the papers above referred to I also found a letter from Colonel Burr to a legal friend in New York, which, as showing the sprightliness and vivacity of his spirit, that even age could not tame, I feel moved to produce here. It is dated at Albany, March 15, 1814.

* Pierrepont Edwards.

† This is not in character with what Colonel Burr used to relate as to his uncle's mode of government, for we have Burr's own testimony that on one occasion, at least, his uncle "licked him like a sack."

" I pray you never again to be silent, in hopes, etc. That apology has been worn out more than 1000 years ago; from you something original is expected. Letters which require and deserve to be answered at all, should be answered immediately. Your pleadings, though not very technical, are in substance good as to the point charged, but not altogether satisfactory as to the subsequent period. Keep a better lookout. Yes, send copies of my letters to Graves and Mad. F. by the *Cartel* about to sail for Gottenburg. To the letter of Mad. F. add:

" ' P. S. 17ème Mars, 1814,

" ' Le sauvage est actuellement à cent lieues dans l'intérieure sur une affaire très intéressante pour lui et pour A. H. C.; on aura le resultat au bout d'un mois.' *

" Still, my dear John, I am a sceptic about your health. You have not been pleased to name your Hippocrate. I can at this distance give no instruction, other than you observe a very temperate diet. About three weeks ago I enclosed you twenty dollars, *i. e.*, ten for Nancy, and ten for contingencies, the receipt has not been acknowledged. I no longer hear anything of the employment of your time. It is feared that things do not go well. A. B."

From " Personal Recollections of Aaron Burr," published in a late issue of the *Cincinnati Commercial*, I extract the following: " I once heard Hon Edward Everett relate an incident that occurred in Albany in his presence, that forcibly displayed his power over minds the most strongly biased against him. It was immediately after his secret and sad return from Europe. A case of great pecuniary importance, if I remember right, of the Van Rensselaers against the city, in which the plaintiffs had apparently made no preparations for an advocate, only employing a young lawyer to prepare and present the case. Surprise at this fact became indignation, when it was whispered about that Aaron Burr had

* This "postscript" might be freely translated: " The savage is actually away a hundred miles in the interior, on an affair very interesting to himself and to A. H. C.; one may expect to hear the result by the end of the month."

Perhaps some one who remembers the men and things of that period can tell us who *the "savage" and* A. H. C. were.

returned from Europe and was employed in the case. Such was the indignation that court and bar conspired to put him down with coughs, hisses, and jeers,—that they would not hear him,—as an advocate lynch him. The trial proceeded, and at the proper time a side door opened, and a little figure walked silently in and addressed the court. Not a cough, hiss, stamp, scratch of a pen, or even breath, or apparently a wink, disturbed that calm musical voice during a long speech, and the case was won."

Miss Alice Brown Morrison, in a pleasant sketch of Colonel Burr in the February, 1901, number of *Modern Culture*, gives this anecdote:

"Not long ago the writer had the privilege of talking with a most delightful gentlewoman who forms a connecting link between the Colonial days and our own times, when the conversation turned upon the heroes of Revolutionary times, and some one present observed that while we knew the 'real George Washington,' there was one man whose character would never be as an open book to us, who would always be a problem to moralists and students of psychic research, and that man was Aaron Burr. Then the old lady's eyes suddenly brightened and a faint color crept into her cheeks, as she said with a fine pride in her voice, 'I once knew Aaron Burr, and many a time as a child have I sat upon his knee, while he amused me with some of his fascinating nonsense.'

"An appreciative murmur of surprise and delight greeted her, and nothing loath she told her little story.

"'I was a child six years old, when I first saw Col. Burr,' she said. 'My father was giving a course of lectures at West Point, and with my mother, my little sister, and myself happened to be stopping at the same hotel with the man who had stirred the nations. I think Col. Burr was in West Point upon legal business, but that I cannot remember; what I do remember distinctly was his personal appearance which left an indelible impression on my childish memory,—a rather small, exceedingly graceful man, straight as an arrow, dressed wholly in black, when other men wore colors. His hair was snow white, and under his white eyebrows flashed those wonderful black eyes whose magnetic attraction few could resist. Every child in the house adored him, and we followed him

about like faithful dogs, in a way that would certainly have been trying to him if he had not returned our devotion, which I am sure he did.

" ' Many years before this, when Col. Burr's fame was at its zenith, he happened to travel in the same stage coach with my father and mother, from Utica to Albany. It seems that my father was noted, even among the gentlemen of the old school, for his gentle breeding and courtly manners, and particularly for his devotion to his wife. My mother told me that Col. Burr kept watching them in silence and at last leaned over towards them and said to my father: " I beg your pardon, sir, but I have never seen more beautiful courtesy between a man and a woman, and I have been puzzling over your relationship. I have decided that you are too devoted for brother and sister, so pray tell me which is it, wife or sweetheart ? "

" ' The tone, the smile with which this question was accompanied was indescribably winning, and, the relationship explained, an animated conversation followed.

" ' Col. Burr did not forget this incident, nor did my parents (indeed no one who ever came in contact with that fascinating man ever forgot the circumstances), and when they met again at West Point they all became great friends. We children could hardly wait until we were dressed for the afternoon, when we made straight for the piazza, where our hero was sure to be waiting for us. We had, what was rare at that time for children, a little wicker carriage, and after we were seated in it, Col. Burr, acting as horse, would run nimbly up and down the long piazza, or through the wide corridors with us, amidst shrieks of delighted laughter from all the little spectators. How I wish I could remember what he talked of, for though he was taciturn when men were near, when he was with women and children his mirth bubbled freely and spontaneously, notwithstanding the trouble the years had brought him. Ah, what a man! Who shall now say what he was ? Who indeed shall say what manner of man he was ? ' "

A few years before his death Colonel Burr married Madame Jumel, a wealthy lady of New York, and many years his junior. The marriage resulted unhappily, and after a few months was annulled.

In December, 1833, while Colonel Burr was walking in Broadway with a friend, he was stricken with a paralysis, which confined him for some weeks to his room. He recovered from this attack, however, almost wholly, and was seen about the streets as usual. This was followed in a few months by a second stroke, which deprived him forever of all use of his lower limbs; two years of inaction then followed, during which, although his mind was as active and strong as ever, his physical powers were gradually failing. During these years he was the honored guest of a lady, whose father had been his intimate friend, and who had herself known him from childhood. This lady proved to be a true Samaritan, one of those rare souls who embody the truths of Christianity in their lives. Unmindful of the construction put upon her acts by society, she cared for the old man with tender assiduity, as long as life lasted, and after his death used both tongue and pen in defending his memory.

In the spring of 1836 he grew rapidly weaker, and it became evident to all that he had not many months to live. It chanced that the house occupied by his kind benefactress was to be pulled down that summer, and the Colonel was removed for the season to the inn at Port Richmond, Staten Island. Here he died on Wednesday, the 14th of September, 1836, aged nearly eighty-one years.

The Rev. Dr. Van Pelt of the Dutch Reformed Church frequently visited him during his last days and administered spiritual consolation; and Colonel Burr always received his visits with courtesy and thankfulness. On one of these occasions, in answer to the Doctor's queries as to his view of the Holy Scriptures, he responded, "They are the most perfect system of truth the world has ever seen." At his last visit the clergyman inquired as to his faith in God and his hope of salvation through the merits of Christ, to which he responded with evident emotion, that on that subject he was coy, meaning, as the Doctor thought, that on a subject so momentous he felt cautious about expressing an opinion. A small party of friends accompanied the body to Princeton, where, in the college chapel, the funeral ceremonies were performed. The funeral sermon was preached by Dr. Carnahan, then president of the college. It was charitable in tone, and was delivered before a large

audience, composed of the townspeople and the college students. I remains were followed to the grave by the faculty and Cliosophic Soci of the college, a large body of citizens, and by a detachment of t Mercer Guards of Princeton, who fired over his grave the customary v leys. His grave is near those of his honored father and grandfather, a is marked by a simple and unpretentious monument of marble, wh bears this inscription:

AARON BURR.
Born February 6th, 1756.
Died September 14th, 1836.
A Colonel in the Army of the Revolution.
Vice-President of the United States from 1801 to 1805.

1802

Theodosia

THEODOSIA BURR ALSTON.

BORN at Albany, 1783, lost at sea in January, 1813—between the two dates fill in such joy, brilliant promise, beauty, accomplishments, intense sorrow, and tragic fate, as never woman knew before, and one has the history of this remarkable lady in epitome. No daughter ever received a heartier welcome to the home and hearts of her parents, and none ever awakened greater parental care and solicitude than did she. Her father was so constituted that while he would have been proud of and honored a son, a daughter called out all the strength and affection of his nature, and he devoted himself to her care and education with a zeal and assiduity that knew no cessation. With the earliest glimmering of reason her education began. She was taught to sleep alone in the rooms of the great mansion at Richmond Hill, to be prompt, diligent, and self-reliant, polite and mannerly to all, kind and considerate to her inferiors, and was grounded in all the elements of a solid and ornamental education. At the age of ten, "she was precocious, like all her race, and was accounted a prodigy; and she really was a child of precocious endowments." She is also spoken of at this time as having the family diminutiveness, and as being a plump, pretty, and blooming girl. Her father had the utmost horror of her growing into the mere fashionable woman of society and, while a senator at Philadelphia, thus wrote to his wife on the subject: "Cursed effects of fashionable education, of which both sexes are the advocates, and yours the victims; if I could foresee that Theo. would become a mere fashionable woman with all the attendant frivolity and vacuity of mind, adorned with whatever grace or allurement, I would earnestly pray God to take her forthwith hence." There was not much danger of her becoming so, for at the time that letter was written, she was reading Horace and Terence in the original,

mastering the Greek grammar, studying Gibbon, speaking French, practising on the piano, and taking lessons in dancing and skating.

At the age of fourteen she became the mistress of her father's mansion at Richmond Hill and entertained his numerous guests—senators, judges, grave divines, foreign notabilities—with the most charming grace and dignity. At that early age she was her father's friend and counsellor. She wrote letters that displayed a masculine force and directness. She translated grave political treatises from English to French, was familiar with the philosophical and economical writers of her day, and proficient in the Greek, Latin, and German tongues, and was, what she is freely admitted to have been, the most charming and accomplished woman of her day. In her eighteenth year she was married to Joseph Alston of South Carolina, then twenty-two years of age, a gentleman of large wealth and assured position, and a lawyer by profession, though he had never entered into practice.

It was the gossip of the day, and still believed by some, that she was forced into this marriage by her father, from political and prudential reasons chiefly, while she was really in love with a young writer of the town, one Washington Irving, whose articles in the newspapers of the day were then attracting much attention. But the story lacks confirmation. Irving and the lovely Theodosia were acquaintances, it is true, and frequently met in society, but there is no proof of any intimacy between them.

Immediately after her marriage, the bride accompanied her husband to South Carolina, and the happy pair took up their residence at the Oaks, the patrimonial estate of Mr. Alston, and one of the most charming of South Carolina homes. Soon after his marriage, the young husband, spurred by Colonel Burr's vigorous mind, entered public life, and in a few years, by the aid of his talents and position, was elected Chief Magistrate of the State. To add to the young wife's happiness, a beautiful boy was born in the first year of her marriage, which was christened Aaron Burr Alston, around whom the liveliest hopes of the parents, and of the far-off grandfather as well, clustered. This event we may suppose completed the sum of her happiness; indeed her life, for the first five *years* of her marriage, [redacted] brightness and sunshine. An honored

wife and proud mother, beautiful, accomplished, and fascinating, a Vice-President's daughter, and a Governor's wife, leading the society of two States, petted and adored by all—who could at this time have foreseen her coming misfortunes and tragic fate.

In the summer of 1806, she spent some weeks with her father at Blennerhasset's Island and on the Cumberland. In the fall they parted; he to plant his colony on the Washita, and if events favored to seat himself on the throne of the Montezumas; she to return to South Carolina, and wait. The winter passed. In May she was horrified to learn that her father was in jail at Richmond, and about to be tried for his life on a charge of treason, but letters from her father, which swiftly followed the news, allayed, in some measure, her apprehensions. They assured her of his innocence, that his arrest was the work of his political enemies, and that they would be foiled, and himself completely exonerated from all charges. But the devoted daughter felt that she must be with her father in this hour of adversity, and at once set out for Richmond; she arrived a few days before the trial began, and remained until it was concluded by the acquittal of her father, spending most of the time in the prison with him, and proudly sharing the odium that was gathering about his name.

What she thought, and how she felt in regard to her father's alleged crime, and the labors of his enemies, is very frankly stated in the following letter written to a friend at the conclusion of the trial:

"I have this moment received a message from court, announcing to me that the jury has brought in a verdict of acquittal, and I hasten to inform you of it, my dear, to allay the anxiety which, with even more than your usual sweetness, you have expressed in your letter of the 22d of July. It afflicts me, indeed, to think that you should have suffered so much from sympathy with the imagined state of my feelings; for the knowledge of my father's innocence, my ineffable contempt for his enemies, and the elevation of his mind have kept me above any sensations bordering on depression. Indeed, my father, so far from accepting of sympathy, has continually animated all around him; it was common to see his desponding friends, filled with alarm at some new occurrence,

terrified with some new appearance of danger, fly to him in search of encouragement and support, and laughed out of their fears by the subject of them. This I have witnessed every day, and it almost persuaded me that he possessed the secret of repelling danger as well as apprehension. Since my residence here, of which some days and a night were passed in the penetentiary, our little family circle has been a scene of uninterrupted gayety. Thus you see, my lovely sister, this visit has been a real party of pleasure. From many of the first inhabitants, I have received the most unremitting and delicate attentions, sympathy, indeed, of any I ever experienced."

Nor did her devotion falter during subsequent years, when her father was an exile, and in his own country everywhere spoken against. She gladly shared his reproach, as she had his honor, and for those who, without a particle of evidence, and in the face of his triumphant vindication by the courts, could condemn and ostracize the innocent, she expressed only the most unmitigated contempt. Meantime she wrote letters of womanly tenderness and cheer to the exile, and eagerly watched the political horizon for signs of an abatement of the popular resentment. She also addressed letters to eminent public men, pleading her fathers' cause, and asking their opinion as to his safety should he venture to return to his native land. Some idea of the style and force of these epistles may be gathered from the following, addressed to Mrs. James Madison, wife of the President, on this subject, and with whom she had been quite intimate in brighter days.

"ROCKY RIVER SPRINGS, June 24th, 1809.

"MADAM:—You may perhaps be surprised at receiving a letter from one with whom you have had so little intercourse for the last few years. But your surprise will cease when you recollect that my father, once your friend, is now in exile; and that the President only can restore him to me and to his country. Ever since the choice of the people was first declared in favor of Mr. Madison, my heart, amid the universal joy, has beat with the hope that I too should soon have reason to rejoice. Convinced that *Mr. Madison* would neither feel, nor judge, from the feelings or judgment

of others, I had no doubt of his hastening to relieve a man, whose character he had been enabled to appreciate during a confidential intercourse of long continuance, and whom he must know incapable of the designs attributed to him. My anxiety on this subject has, however, become too painful to be alleviated by anticipations which no events have yet tended to justify, and in this state of intolerable suspense, I have determined to address myself to you, and request that you will, in my name, apply to the President for a removal of the prosecution now existing against Aaron Burr. I still expect it from him, as a man of feeling and candor, as one acting for the world and for posterity.

"Statesmen, I am aware, deem it necessary that sentiments of liberality, and even justice, should yield to considerations of policy, but what policy can require the absence of my father at present? Even had he contemplated the project for which he stands arraigned, evidently to pursue it any further would now be impossible. There is not left one pretext of alarm, even to calumny. For bereft of fortune, of popular favor, and almost of friends, what could he accomplish; and whatever may be the apprehensions, or clamors of the ignorant and the interested, surely the timid, illiberal system which would sacrifice a man to a remote and unreasonable possibility that he might infringe some law founded on an unjust, unwarrantable suspicion that he would desire it, cannot be approved by Mr. Madison, and must be unnecessary to a President so loved, so honored. Why, then, is my father banished from a country for which he has encountered wounds, and dangers, and fatigue, for years? Why is he driven from his friends, from an only child, to pass an unlimited time in exile, and that, too, at an age when others are reaping the harvest of past toils, or ought at least to be providing seriously for the comfort of ensuing years? I do not seek to soften you by this recapitulation. I wish only to remind you of all the injuries which are inflicted on one of the first characters the United States ever produced. Perhaps it may be well to assure you there is no truth in a report lately circulated that my father intends returning immediately.

"He never will return to conceal himself in a country on which he has conferred distinction. To whatever fate Mr. Madison may doom this

application, I trust it will be treated with delicacy. Of this I am the more desirous, as Mr. Alston is ignorant of the step I have taken in writing to you, which, perhaps nothing could excuse but the warmth of filial affection. If it be an error, attribute it to the indiscreet zeal of a daughter whose soul sinks at the gloomy prospect of a long and indefinite separation from a father almost adored, and who can leave nothing unattempted, which offers the slightest hope of procuring him redress. What indeed would I not risk once more to see him, to hang upon him, to place my child upon his knee, and again spend my days in the happy occupation of endeavoring to anticipate his wishes. Let me entreat, my dear madam, that you will have the consideration and goodness to answer me as speedily as possible; my heart is sore with doubt and patient waiting for something definite. No apologies are made for giving you this trouble, which I am sure you will not deem it irksome to take for a daughter, an affectionate daughter thus situated. Inclose your letter for me to A. J. Frederic Prevost, Esq., near New Rochelle, New York.

"That every happiness may attend you is the sincere wish of

THEO. BURR ALSTON.

"To *Mrs. James Madison*, Washington, D. C."

It was from assurances received in answer to this letter, that Colonel Burr, in 1810, began to think once more of his native land. In the spring of 1812 her father arrived in Boston, but hardly had the news of his arrival reached her, when she was called upon to suffer a bereavement, beside which those that had preceded it seemed trifles light as air. Her boy, her only child, a handsome promising lad of eleven years, the "little Gamp" so frequently mentioned in Burr's letters, sickened and died. This blow shattered in an instant the hopes of years, and plunged both parents and grandfather in the deepest depths of affliction.

"But a few miserable days past," wrote the poor bereaved mother to her father, announcing her loss, "and your late letters would have gladdened my soul, and even now I rejoice at their contents, as much as it is possible for me to rejoice at anything; but there is no more joy for me. The world is a blank. I have lost my boy. My child is gone forever.

He expired on the 30th of June. My head is not sufficiently collected to say anything further. May Heaven by other things make you some amends for the noble grandson you have lost. He was eleven years old."

The mother never recovered from the effects of this shock. For years her health had been delicate, owing in some measure, no doubt, to the unfavorable influence of the climate; as early as 1805 she had been forced to admit the probability of an early death, and at that time prepared a letter to be given to her husband after her death, and which was found among her effects after her decease in 1813. This letter, so natural, and so characteristic, conveys a better idea of the life and character of this remarkable woman, than could pages of studied description and eulogy. It was intended for one eye alone, but as it has been before published, and as it exhibits its author in a most favorable light, there can be no impropriety in reproducing it here.

The following is the letter.

"Aug. 6, 1805.

"Whether it is the effect of extreme debility and disordered nerves, or whether it is really presentiment, the existence of which I have often been told of and always doubted, I cannot tell; but something whispers me that my end approaches. In vain I reason with myself; in vain I occupy my mind and seek to fix my attention on other subjects; there is about me that dreadful heaviness and sinking of the heart, that awful foreboding of which it is impossible to divest myself.

"Perhaps I am now standing on the brink of eternity, and ere I plunge in the fearful abyss, I have some few requests to make. I wish your sisters (one of them, it is immaterial which) would select from my clothes certain things which, they will easily perceive, belonged to my mother. These, with whatever lace they find in a large trunk in a garret-room of the Oaks House, added to a little satin-wood box, (the largest, and having a lock and key,) and a black satin embroidered box with a pincushion; all these things I wish they would put together in one trunk, and send them to Frederic Prevost, with the enclosed letter."

Then follow several bequests, after which the letter continues:

"To you, my beloved, I leave my child, the child of my bosom, who was once a part of myself, and from whom I shall shortly be separated by the cold grave. You love him now, henceforth love him for me also. And oh, my husband, attend to this last prayer of a doting mother! Never, never, listen to what any other person tells you of him. Be yourself his judge on all occasions. He has faults; see them and correct them yourself. Desist not an instant from your endeavors to secure his confidence. It is a work which requires as much uniformity of conduct as warmth of affection toward him.

"I know, my beloved, that you can perceive what is right on this subject, as on every other. But recollect, these are the last words I can ever utter. It will tranquillize my last moments to have disburdened myself of them. I fear you will scarcely be able to read this scrawl, but I feel hurried and agitated. Death is not welcome to me; I confess it is ever dreaded. You have made me too fond of life. Adieu then, thou kind, thou tender husband. Adieu, friend of my heart. May Heaven prosper you, and may we meet hereafter. Adieu, perhaps we may never see each other again in this world. You are away; I wished to hold you fast, and prevent you from going this morning.

"But He who is wisdom itself ordains events; we must submit to them. Least of all should I murmur. I on whom so many blessings have been showered, whose days have been numbered by bounties, who have had such a husband, such a child, and such a father. Oh, pardon me, my God, if I regret leaving these! I resign myself. Adieu once more and for the last time, my beloved. Speak of me often to our son. Let him love the memory of his mother, and let him know how he was loved by her.

"Your wife, your fond wife,

"THEO."

This letter was written in the summer of 1805. In this summer of 1812, her malady had greatly increased. She sank into a listless, apathetic state, pitiful to see and from which it was difficult to rouse her. Her boy was dead, henceforth life was a blank, and existence a burden. In the fall, her father, alarmed, insisted that she should come North; he

even sent an old friend to her home to accompany her on the journey. It was manifestly impossible for her in her enfeebled state to make the journey by land, and the party, comprising Theodosia, her maid, her physician, and Mr. Green, proceeded to Charleston, and embarked on a small schooner called the *Patriot*. The vessel sailed on the 30th of December, 1812, and was never again heard of. It was the commonly received opinion that she foundered off Hatteras, in a heavy storm that visited the coast a few days after she left port; but forty years after a paragraph appeared in a Texan newspaper and went the rounds of the press, giving a different version of her fate.

This paragraph purported to be the confession of a sailor who had recently died in Texas, and who declared on his death-bed that he was one of the crew of the *Patriot* in December, 1812, and that during the voyage the sailors mutinied and murdered all the officers and passengers, Mrs. Alston being the last to walk the plank.

To this statement the *Pennsylvania Enquirer* added corroborative evidence as follows:

"An item of news just now going the rounds relates that a sailor, who died in Texas, confessed on his death-bed that he was one of the crew of mutineers who, some forty years ago, took possession of a brig on its passage from Charleston to New York, and caused all the officers and passengers to walk the plank. For forty years the wretched man has carried about the dreadful secret, and died at last in an agony of despair.

"What gives this story additional interest is the fact that the vessel referred to is the one in which Mrs. Theodosia Alston, the beloved daughter of Aaron Burr, took passage for New York, for the purpose of meeting her parent in the darkest days of his existence, and which, never having been heard of, was supposed to have been foundered at sea. The dying sailor professed to remember her well, said she was the last who perished, and that he never forgot her look of despair as she took the last step from the fatal plank. On reading this account, I regarded it as a fiction; but on conversing with an officer of the navy he assures me of its probable truth, and states that on one of his passages home some years ago, his vessel brought two pirates in irons, who were subsequently

executed at Norfolk for recent offences, and who, before their execution, confessed that they had been members of the same crew and participated in the murder of Mrs. Alston and her companions. Whatever opinion may be entertained of the father, the memory of the daughter must be revered as one of the loveliest and most excellent of American women, and the revelation of her untimely fate can only serve to invest that memory with a more tender and melancholy interest."

And this is all that can be certainly known in regard to her death. The reader will draw his own conclusions; but in either case what a tragic fate was hers! To her father this was the "event that separated him from the human race." To her husband, thus doubly bereaved, it proved a blow from the effects of which he never fully recovered. He survived his wife and child but a few years, dying at Charleston, September 10th, 1816, at the early age of thirty-eight years.

A recent writer in the New York *Evening Post*, after repeating the above extract, continues:

"Seventeen years later, in 1869, Dr. W. G. Pool, a physician of Elizabeth City, N. C., was summering with his family at Nag's Head, a summer resort on the outer barrier of sand which protects the North Carolina coast, about fifty miles north of Cape Hatteras. While here he made an interesting discovery, an account of which we copy from the correspondence of the Philadelphia *Times* of February 20, 1880:

"During that season he was called upon professionally to visit a lady named Mrs. Mann, who lived two miles north of Nag's Head and directly opposite Kitty Hawk, where the United States man-of-war *Huron* met her fate. The old lady was sixty-five years of age, but never had occasion to seek the services of a physician before, and whatever her complaint was now, the Doctor cured her. She had great fear of physicians in general, and when she became well, her gratitude to Dr. Pool was so intense 'for not killing her,' as she expressed herself, that she told him he could have anything in her possession except money, and of that she had none. The Doctor stated to her that he would make no charge, but be*coming interested* in the strange being before him he, in company with his

little daughter, who is now a young lady, paid the old woman almost daily visits. The house in which Mrs. Mann resided was quaint, though humble, and the surroundings were of the same nature. But what puzzled the Doctor most was where a woman of Mrs. Mann's position in society could have obtained such a fine oil painting, it being evidently the portrait of a handsome, intelligent lady, of high standing in the social world. He was on the eve of questioning the old woman several times, but always failed, afraid to offend by touching on some delicate subject; but his daughter came to his relief by saying: 'Father, I have fallen in love with that beautiful picture. Please buy it for me.' This was the first occasion Mrs. Mann had for proving her gratitude to the Doctor 'for not killing her,' and overhearing the child she said: 'You can have it, honey; I will make you a present of it.' The little girl was overjoyed at becoming the possessor of what at that time she desired most of all on earth; but her father was not yet satisfied, and determined to learn the secret of that picture if possible. So after many visits of a kindly nature the old lady agreed to tell her story.

"'Some years before my marriage with my first husband, Mr. Tillett,' she said, 'and while we were courting, a pilot-boat came ashore near Kitty Hawk. She had all sail set and the rudder was fastened. Mr. Tillett, in company with the wreckers, boarded her, and in the cabin they found the breakfast-table set, but not disturbed. Why we thought it was that meal was because the beds were not made up. Anyhow, the trunks were broken open, and among the things scattered about on the cabin floor were several silk dresses, a black lace shawl, a vase of wax flowers, with a glass globe covering, a shell resembling the shape of the nautilus, beautifully carved, and the lovely picture. There was no blood seen on the vessel or any sign of violence, and my opinion was that the passengers and crew on that pilot boat walked the plank; the rudder was tied up and the vessel turned adrift. My future husband took for his share of the spoils two dresses, the shell, vase, and picture, all of which he presented to me, and I have kept them ever since. This was years ago. I don't remember the year, but it was very near the time we were fighting the English. This is all I know about the picture, and as your father did

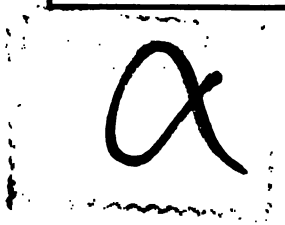
not kill me, *you* are welcome to it, honey. Wait a bit and I 'll bring the other things for you to look at.'

"The articles mentioned were then put before Dr. Pool and his daughter for inspection and the young lady says there is no doubt but that everything in the possession of Mrs. Mann once belonged to some lady of culture, taste, and refinement. The old lady told her story in a hesitating manner and the chances are that much remained untold.

"The portrait bore so striking a resemblance to Theodosia Alston as to be remarked by all who saw it and who were familiar with the engraved portraits of that lady. The circumstance of the vessel's coming ashore at about the time the *Patriot* left Georgetown, coupled with the dying sailor's declaration, led the Doctor and his family to believe that Mrs. Mann's 'pilot-boat' was the *Patriot*, and that the portrait so strangely found was one of herself that Mrs. Alston was taking to her father. Acting on this belief, and to test its accuracy, they had photographs of the portrait made, and sent them to artists and friends of the family for their opinion. These in most cases pronounced the portrait a likeness of Mrs. Alston. Mr. George B. Edwards of New York, a connection of the lady on her mother's side, wrote: 'My father agrees with me in the belief that it is Aaron Burr's daughter. She certainly has his eyes and the Edwards nose.' The photograph was also shown to Col. John H. Wheeler, the historian of North Carolina, and to his wife, a daughter of Sully, the portrait-painter, herself a sculptor of merit, who both pronounced it a striking likeness of Theodosia."

The writer, being in the vicinity of Dr. Pool's home in 1889, paid him a visit and was shown the portrait. It is an oil painting on wood, with gilt frame about twenty inches in length, and of the school of art in vogue in 1800–10. Familiar with three portraits of Theodosia by different artists, he at once recognized a marked resemblance, although he would hesitate confidently to pronounce it a portrait of that lady; yet the difference was no more than might have resulted from a difference in age. In the hope of gaining corroborative evidence as to the identity of the *portrait, he crossed* over Albemarle Sound to Nag's Head. Mrs. Mann,

he learned, had been dead several years. Two sons were found living among the dunes of that strange coast five miles north of the Head. Both disclaimed ever having seen or heard of portrait, dresses, vase, or shell, but referred him to an elder sister, Mrs. Westcott, a widow living on Roanoke Island, who might possibly have been more in their mother's confidence than they. Before leaving on this errand, however, he made diligent inquiry among the wreckers for any tradition or memory of the pilot-boat, without awakening a single recollection. This, however, does not militate against Dr. Pool's story, for the 'banker' of to-day, although he does not, like his forefathers, lure ships ashore and strip the wreck, is still very reticent as to what was done on these sands generations ago. Unsuccessful on the banks, he crossed the Sound to Roanoke and visited Mrs. Westcott at her pleasant cottage on the western shore of the island. She is a woman of excellent reputation, and favorably impressed the visitor by her intelligence and sincerity.

She recollected the portrait, and remembered hearing her mother say it was found in a bureau or chest of drawers that floated ashore when she was a baby; had never seen or heard of the silk dresses, shell, or vase. No one who is acquainted with Dr. Pool or his daughter can doubt the truth of their story. Mrs. Mann must have told them what she is said to have told them. But what she did with the articles which they saw in her cottage in 1869, and what circumstances attended their getting that she should have hidden them from her children and neighbors through a long life, is one of the many mysteries of these sands that will never be solved.

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